Document:-

A/CN.4/SR.1609

Summary record of the 1609th meeting

Topic:

Law of the non-navigational uses of international watercourses

Extract from the Yearbook of the International Law Commission:-

1980, vol. I

35. There had been warnings against undue reliance on technical data, but such data were a feature of the times. In that connexion, it seemed to him that the principles set forth by the United Nations Conference on the Law of the Sea held at Geneva in 1958 had not foreseen the rapidity of technological progress. For example, the extension of the continental shelf had been defined by reference to the possibilities of exploration and exploitation, but that definition had become obsolete and without meaning now that the sea-bed could be exploited at any depth. On the other hand, at the time nobody had even considered having an exclusive economic zone, and when the Latin American countries, among others, had broached the idea at the Conference they had not been taken seriously; yet that idea was now fully accepted because of the increasing dependency of riparian populations on the resources of the sea. What had happened at the 1958 Conference on the Law of the Sea might well happen again if the Commission did not adopt a bold approach along the lines proposed by the Special Rapporteur.

The meeting rose at 1.05 p.m.

1609th MEETING

Wednesday, 11 June 1980, at 10.15 a.m.

Chairman: Mr. C. W. PINTO

Members present: Mr. Barboza, Mr. Calle y Calle, Mr. Castañeda, Mr. Díaz González, Mr. Evensen, Mr. Francis, Mr. Jagota, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Tsuruoka, Mr. Ushakov, Mr. Verosta, Mr. Yankov.

The law of the non-navigational uses of international watercourses (*continued*) (A/CN.4/332 and Add.1)

[Item 4 of the agenda]

DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR[1] (*continued*)

1. Mr. BARBOZA, continuing the statement he had began at the previous meeting, said that the second point on which the Special Rapporteur's method had been criticized was that the scope of the rules to be drafted had not been determined. His own view was that that criticism was not justified.

2. At the present stage, the Commission was dealing with general principles, and it should not overlook all that had been accomplished within the framework of the United Nations in respect of shared natural resources. For instance, the Charter of Economic Rights and Duties of States[2] was relevant to the topic, and it had also been considered at the United Nations Conference on Water. General Assembly resolution 3129 (XXVIII) dealt with co-operation in the field of the environment concerning natural resources shared by two or more States. A set of related principles had been drawn up by an intergovernmental working group of experts, and various non-governmental organizations and private bodies of high standing had also made contributions. All those instruments and bodies had recognized that water must be used equitably and in a reasonable manner; that co-operation must be established between the States belonging to a given watercourse system; that such States must not cause substantial damage to the other States of the system; and that machinery must be provided for the settlement of disputes. Thus the Commission was not working in a vacuum, since the waters of watercourses were considered to be a shared natural resource, and it could not be said that it was impossible to foresee the consequences of the rules it adopted. But if it was felt that in certain circumstances the consequences might be too far-reaching, then exceptions or restrictions should be provided for.

3. A point had been raised regarding the sovereignty of States over their natural resources. It was clear from the relevant General Assembly and Economic and Social Council resolutions that two kinds of relationships had to be considered: the relationship between a given natural resource and third States, and the relationship between the States which shared in that natural resource. In the latter case, it was not so much a question of sovereignty that was involved; what was needed was first to define the rights of the parties, since if one of them exceeded its rights on the pretext of sovereignty, the result could be a depletion of the resource to the detriment of the others—which could likewise invoke their sovereignty. On the other hand, the interests of States which shared in the natural resource should be protected in relation to third States.

4. The third point of criticism was that the object and purpose of the draft articles had not been defined. It was not the first time the Commission had deferred a definition until it had completed consideration of a set of draft articles, but in any event his view was that the definition should be drafted subsequently, in light of the principles to be adopted by the Commission and of the concept of shared natural resources. As he had already pointed out, it was important to bear in mind the need to provide for exceptions. In that connexion, reference had been made to the case of a watercourse which was located entirely within the territory of one State, but was fed by the underground waters of another State. Since, with advancing technology, it might soon be possible to deflect such waters or to use

[1] For the text of articles 1 to 7 submitted by the Special Rapporteur, see 1607th meeting, para. 1.

[2] General Assembly resolution 3281 (XXIX).

them to the detriment of ground water, that case should be brought within the scope of the draft articles, to ensure that a State which caused any damage in that way incurred responsibility under fluvial law.

5. The conclusion to be drawn from those general remarks was that the Commission should continue along the same lines with a view to submitting specific articles to the thirty-sixth session of the General Assembly.

6. With regard to the draft articles proposed by the Special Rapporteur, it had been suggested that in draft article 1 the phrase "the uses of international watercourse systems" would be preferable to "the uses of the water of international watercourse systems". That was a point of terminology to which he did not attach great importance, but on balance, he preferred the wording proposed by the Special Rapporteur, since any use of a watercourse inevitably implied the use of water. He had no difficulty with the word "system", but if there was any strong objection he would suggest that it be placed in square brackets. He had no objection to the reference to "flood control, erosion, sedimentation and salt water intrusion", all of which related to the watercourse system and could affect its uses.

7. Article 4, which provided that the draft articles should be supplemented by system agreements, was particularly important. He agreed with the Special Rapporteur that there was an obligation to negotiate; it was imposed not only by Article 33 of the Charter of the United Nations, but also by customary law. In that connexion, the Special Rapporteur had drawn analogies with the *North Sea Continental Shelf* cases, the *Fisheries Jurisdiction* cases and the *Lac Lanoux* case[3] that were perfectly acceptable to him. He considered, however, that the obligation to negotiate was incurred only when a difficulty arose and not before.

8. He approved of the terms of draft article 5, which provided the counterpart to the obligation to negotiate.

9. Draft article 7 was the most innovative feature of the Special Rapporteur's report, and he agreed entirely that the concept of a "shared natural resource" (of which the implications had been frequently discussed at the United Nations) should be incorporated in the draft. In that connexion, the recommendations made by the United Nations Water Conference (see A/CN.4/332 and Add.1, para. 149) were particularly relevant, since they could, perhaps, indicate the course the Commission should follow. Those recommendations treated water as a shared natural resource and emphasized the need, on the one hand, for general and regional co-operation and, on the other, for relevant programmes and machinery, and for exchange of information and data. The Conference had also recommended that the codification and progressive development of international law on the subject should be given a higher priority.

10. Mr. RIPHAGEN said that draft articles 1 and 7, which formed the cornerstone of the draft, dealt with the twin concepts of the international watercourse and of water as a shared natural resource; both of those concepts had institutional and substantive consequences. So far as their institutional consequences were concerned, the Special Rapporteur had imposed on States, under draft article 4, a duty to negotiate and had conferred on them, under draft article 5, a right to participate in system agreements. Where such agreements applied only to a part of the system, the right to participate was limited to States whose use or enjoyment of the water might be affected "to an appreciable extent". In other words, the draft provided for a natural transition from the unilateral duty to negotiate to the multilateral duties and rights which arose as a result of the actual or foreseeable uses which were in actual or potential dispute. As States were not particularly anxious to enter into the kind of commitment which arose under system agreements, the right to participate in such agreements would perhaps not be invoked unless an actual or potential conflict of uses was involved. In his view, therefore, there was no reason to be unduly wary of the institutional consequences of the two concepts.

11. In that connexion, he referred the Commission to paragraph 218 of the Secretariat's summary of the discussion held by the Sixth Committee of the General Assembly (A/CN.4/L.311), where it was suggested that a user or system agreement would itself determine which waters were covered by that agreement. The same idea was reflected in Principle 2 of the draft principles of conduct concerning shared natural resources prepared by an intergovernmental working group of experts set up by UNEP (A/CN.4/332 and Add.1, para. 90), so that possibly some wording along the lines of that text could be adopted.

12. He wondered whether the draft should not also take account of the second half of the hydrologic cycle, when the water was returned through the air. As technology advanced, there might well be some interference with that return flow, caused by what was sometimes known as artificial or atmospheric water. That point could perhaps be examined within the context of draft article 3.

13. He considered that the expression "system State" was preferable to "user State": first, because the latter implied that a State could not only use, but also contribute to the waters of an international watercourse, and he doubted whether a State could so contribute; and secondly, because the water might ultimately be used by a State which was outside the system.

14. The substantive consequences of the twin concepts of the international watercourse and of water as a shared natural resource had yet to be determined,

[3] See 1607th meeting, paras. 10–12.

since the Special Rapporteur had not proposed a draft article on that matter. In his view, however, the implications of the term "shared natural resources" need not cause concern. A comparison of the UNEP draft principles of conduct with a set of rules prepared by the OECD[4] showed that, whereas the former were based on the shared resources approach, the latter were based on the classic approach to trans-frontier pollution, that was to say, to an act by a State which caused damage to another State giving rise to the responsibility or liability of the former State. The same classic approach was to be seen in Principle 22 adopted by the United Nations Conference on the Human Environment.[5]

15. The approaches of UNEP and OECD, though seemingly opposed, in fact arrived at virtually the same results and there were two particular examples of points on which they coincided. In the first place, article 3 of the Charter of Economic Rights and Duties of States included an important reference to "prior consultations" and that idea was echoed and mitigated in UNEP Principle 7. Secondly, the so-called principles of non-discrimination and equal access provided that States with differing environmental policies should none the less apply those policies without discriminating according to whether the damage would be caused on their own territory or on the territory of another State. That was akin to the principle of national law whereby an occupier of land was not permitted to throw his rubbish over his neighbour's hedge. The two approaches were also similar in that the classic approach made it essential to take account of the requirement of solidarity imposed by natural conditions, while the shared resources approach necessarily had to take account of the differences between States so far as their natural resources and technological and social systems were concerned. Whichever approach was adopted, therefore, the end result would lie somewhere between the two.

16. He had been somewhat surprised at the analogy with the *North Sea Continental Shelf* cases drawn in paragraphs 73 *et seq.* of the Special Rapporteur's report, since the International Court of Justice had in fact rejected the idea that the continental shelf was a resource shared by the States contiguous to it. The *Fisheries Jurisdiction* cases, mentioned in paragraphs 81 *et seq.* of the report, were also perhaps not entirely relevant to the concept of shared resources, although they were relevant to the obligation to negotiate. In the latter cases, the dispute had been mainly concerned with the appropriation of fish by ships, and territorial appropriation by coastal States.

17. The Special Rapporteur had also drawn an analogy with the navigational uses of international watercourses. Freedom of navigation, however, involved the concept of human movement, and the development of that concept was mirrored in the development of the legal consequences of natural movement across frontiers. The difference between human movement and natural movement was also reflected in the opposition between the basic principles of freedom of navigation, on the one hand, and of equitable distribution of resources, on the other.

18. Mr. FRANCIS said that, from the very outset, many delegations to the General Assembly had asked when the draft articles would be ready, and the urgency of that question was a clear indication of the importance they attached to the topic. The Special Rapporteur was therefore to be commended on the speed with which he had responded. It was perhaps the same sense of urgency which had prompted one member to appeal to the Commission to dispel the atmosphere of doubt that had so long clouded the whole issue and get down to the task of preparing draft articles. Another member had rightly observed that, whereas the Commission had previously been engaged in the academic consideration of various topics, it was now dealing with a living subject and one of the most important to come before it for many years.

19. For his own part, he would stress the importance which the topic had assumed for the world community as a whole and its direct connexion with a universal right to development. For the very first time, the Commission's work would have an immediate effect on those for whom States existed, namely, people. Water was as vital to the remote regions of Asia, Africa and Latin America as it was to more heavily populated urban areas.

20. Reference had been made to the increasing demand for water for a variety of purposes and to the difficulty of balancing the rights of upper riparian States against those of lower riparian States, having regard to the right to development, depleted resources and increasing demand. In his view, the Commission could meet the challenge; but he spoke as an islander, and possibly his perspective was rather different from that of other members, many of whom lived with the problem and therefore had a more direct interest in it.

21. On the basis of the guidelines laid down by the General Assembly, the Commission should be able to produce some valid results, provided that members put their minds to the task and that there was a little more give and take. He was sympathetic to the suggestion that some definition of an international watercourse system should be adopted at the outset, since even a preliminary definition would lend purpose to the Commission's work. To leave the matter open would only make it more difficult for the General Assembly to lay down further guidelines.

22. He thought the members of the Commission were generally agreed that draft article 1, paragraph 1, should refer to the uses of the water of international

[4] See OECD, *OECD and the Environment* (Paris, 1979).

[5] See *Report of the United Nations Conference on the Human Environment, Stockholm, 5–16 June 1972* (*op. cit.*), Part One, chap. I, sect. II.

watercourses. They might, however, have different ideas about the wording of that paragraph, which should, in his opinion, be as neutral as possible. Draft article 1, paragraph 2, which referred to the use of water of international watercourses for navigation, might be considered incompatible with the title of the topic under consideration. The commentary might therefore be a better place for the provisions of that paragraph. He also suggested that, like draft article 3, draft article 1 might be placed in square brackets for the time being.

23. In draft article 2, unlike Mr. Riphagen, he found the term "user State" preferable to the term "system State", and he thought the article should take account of the uses of the water of international watercourses by non-riparian States.

24. In view of the delicately balanced community of interests which an international watercourse established among user States, he thought that draft article 5 should make negotiations obligatory.

25. Referring to chapter III of the Special Rapporteur's report (A/CN.4/332 and Add.1), he said that the plan of action adopted by the United Nations Water Conference (*ibid.*, para. 149) and the draft principles of conduct in respect of shared natural resources adopted by a working group of UNEP (*ibid.*, paras. 156 *et seq.*) were of particular relevance to the work now being carried out by the Commission. Chapter III also highlighted the need for a definition of the term "shared natural resources" that would, as the Special Rapporteur had pointed out in referring to the *Territorial Jurisdication of the International Commission of the River Oder* case (*ibid.*, paras. 187 *et seq.*) have to take account of the principle that user States had a community of interests.

26. Mr. YANKOV said that the codification of the law of the non-navigational uses of international watercourses was obviously a task that would require great patience, but in view of the importance which States attached to the completion of that task, he was not sure that the need for patience would be understood. He therefore believed that the Commission should endeavour, at the current session, to make as much progress as possible on the formulation of specific draft articles.

27. The Commission had three basic choices to make. First, it had to choose between a general and a specific approach to the definition of the "uses" of the waters of international watercourses. The discussion had shown, however, that the Commission was well on the way to adopting a middle-of-the-road approach to the definition of that term.

28. Secondly, the Commission had to choose between a restrictive and a broad definition of the term "watercourse". He thought that in draft article 1, paragraph 1, it might consider the possibility of using terms such as "rivers, tributaries, lakes or channels dividing the territories of two or more States", which were common in State practice and certainly more descriptive and pragmatic than the vague term "watercourse systems". The word "non-navigational" should also be added before the word "uses" in that paragraph.

29. The Commission's third choice related to the problems associated with international watercourse systems. It would have to decide whether to go as far as referring to natural phenomena associated with watercourses or simply to refer to the consequences of their uses. In his opinion, it should follow the cautious approach adopted by the Third United Nations Conference on the Law of the Sea in the "Informal Composite Negotiating Text"[6] and refer specifically, in terms that were as precise and clear as possible, to the side-effects of the uses of international watercourses. It would, for example, have to refer to pollution resulting from the agricultural, industrial, commercial and domestic uses of such watercourses.

30. In draft article 2, it would be more in keeping with State practice to refer to "riparian States" than to "system States". In draft article 4, the use of the term "system agreements" would be acceptable if it was made quite clear that such agreements were based on the principle of non-discrimination, thus ensuring the eligibility of all riparian States to take part in them.

31. Although the idea of the need for negotiations expressed in draft article 5 was a good one, the wording of that article required further refinement. He hoped that draft article 6 could also be remodelled to take account of factors in local and regional co-operation among States, such as technical assistance and the monitoring and assessment of damage to the environment.

32. He fully agreed with the principle embodied in draft article 7, but thought that its wording required greater precision.

33. Lastly, he noted that it might be of great assistance to the Special Rapporteur if members of the Commission would try to make suggestions concerning the over-all structure of the draft articles, with a view to defining the boundaries of the legal rules to be formulated.

34. The CHAIRMAN, speaking as a member of the Commission, said he agreed with the Special Rapporteur's stated purpose of drafting a framework agreement that would set out the general principles of law governing the non-navigational uses of international watercourses and be supplemented by user-State agreements on detailed rights and obligations relating to the uses of particular watercourses.

[6] "Informal Composite Negotiating Text Revision 2", drawn up in April 1980 by the President of the Third United Nations Conference on the Law of the Sea and by the Chairmen of the main committees of the Conference (A/CONF.62/WP.10/Rev.2 and Corr.2–5).

35. With regard to the scope of the framework agreement, he agreed that the purpose of draft article 1 should be to foreshadow draft articles dealing with the "uses of the water of international watercourse systems" and the associated problems of flood control, erosion, sedimentation and salt water intrusion, and, in addition, pollution. Since the uses of the waters of international watercourses were interrelated, it would not be practical to deal with navigational uses and non-navigational uses in separate, watertight compartments. Navigation was one of the possible uses of watercourses, and it could not be ignored if the internal logic and value of the draft articles were to be preserved. Draft article 1, paragraph 2, was therefore acceptable to him.

36. During the Commission's discussions, serious questions had been raised which showed that the meaning of some of the terms used in draft article 1 were not clear. For example, was the word "uses" in paragraph 1 to be taken to mean only uses of the intrinsic liquid or solvent properties of water, or did it also mean uses of its other physical properties, such as being a medium for the flotation of timber, the breeding of fish or, in combination with the earth's gravitational force, the driving of turbines for the generation of electric power? In his opinion, all those uses of the water of international watercourses should be covered in the draft articles. If necessary, a suitable provision in the article on the use of terms might explain that the term "uses" included all such uses.

37. The term "watercourse" also gave rise to problems of definition. He referred the Commission to the instructive report of the Sub-Committee on the Law of the Non-Navigational Uses of International Watercourses,[7] according to which watercourses must be of fresh water, as opposed to sea-water, and comprised rivers and other bodies of flowing water. In his opinion, the term "watercourse" made it clear that what was being referred to was water which flowed and over which objects moved. Any extension of the meaning of that term to include lakes, or drainage and river basins, would require a special provision in the article on the use of terms.

38. He was not convinced that it was necessary to attempt to define the term "watercourse" at present, because the scope of a rule regarding the use of the water of a watercourse would depend on the regulatory need to be fulfilled by that rule. He was therefore willing to follow the Special Rapporteur in his attempt to use the term "international watercourse system" without defining it, allowing the Commission's discussion of specific principles to bring problems of definition to the surface in a practical way. The Commission might thus gradually arrive at agreement on the scope of the term "watercourse".

39. For the time being, therefore, the Commission should proceed on the assumption that it was dealing essentially with international rivers flowing on the surface of the earth and thus offering themselves for direct human use, and with all the factors that were likely the affect those rivers "to an appreciable extent", to use the wording of draft article 5, paragraph 2, and thus need regulation. In that connexion, he noted that the Special Rapporteur seemed to imply that the "appreciable extent" concept might serve as a basis for a primary rule of conduct in the use of water, and not merely as part of a qualification for participation in a system agreement. In the context of such a rule it would, however, have to be shown that a change had taken place affecting the water in excess of a threshold standard or level, and that that change was in fact the result of some act or omission which could be attributed to one or more of the riparian States and did not have other causes for which they could not be held responsible. Even though threshold levels for the criterion of "an appreciable extent" would not be easy to establish, it would be necessary to ascertain whether appropriate scientific and technical data could be applied to determine, for the purposes of a given system agreement, whether the waters had been impaired for use and enjoyment, in terms of quantity, quality, direction of flow or availability, to such an extent that they no longer conformed to what could be expected by way of optimum use. Such a determination could, of course, give rise to serious difficulties of proof, as, for example, when atmospheric changes were attributed to man-made causes and were said to be the reason for a change in the quantity, quality, direction of flow or availability of the water of a system State. But that would not appear to invalidate the Special Rapporteur's basic approach, which was certainly worth pursuing.

40. With regard to water as a shared natural resource, the Special Rapporteur's approach was an interesting and modern one that was in line with recent thinking in the international economic and regulatory field. In paragraphs 140 and 141 of his report, the Special Rapporteur had made what might almost be called a passionate appeal for the adoption of the approach he proposed. He (Mr. Pinto) could agree with that approach, but thought that the Commission should be cautious about the implications of the title of chapter III: "Water as a shared natural resource".

41. He agreed with the central principle proposed for inclusion in draft article 7, namely, that the water of an international watercourse system was to be treated as a shared natural resource. That principle was implied in the provisions of draft articles 5 and 6. In other words, the rights and duties embodied in draft articles 5 and 6 were, in fact, natural and logical derivatives of those implied in draft article 7. He therefore suggested that draft article 7 might eventually be moved to the place now occupied by draft article 4.

[7] *Yearbook ... 1974*, vol. II (Part One), pp. 301 *et seq.*, document A/9610/Rev.1, chap. V, annex.

42. It was because water was treated as a shared natural resource that all entitled to share were entitled to participate; that was the meaning of article 3 of the Charter of Economic Rights and Duties of States, which itself embodied the concepts of interdependence and co-operation. The fact of interdependence gave rise to the duty to share equitably and the duty to co-operate in achieving optimum use and in minimizing, eliminating or avoiding injurious consequences.

43. He found it difficult to agree with paragraph 148 of the report, in which the Special Rapporteur stated that article 3 of the Charter of Economic Rights and Duties of States was an exception to the rule of permanent sovereignty. Permanent sovereignty subsisted in a shared natural resource and was the very basis for the concept of equitable sharing of benefits. The fact that certain modalities might be prescribed for the use and enjoyment of a shared natural resource should in no way be understood as diminishing either a State's sovereignty or the permanence of that sovereignty over the natural resource in question. What was called for was a proper balancing of the various interests of the States concerned, not the postulation of a nominal equality that like the concept of the freedom of the seas, would tend to mask gross inequalities and perpetuate them indefinitely.

44. The principle that water was a shared natural resource gave rise to the need for institutional arrangements, to which reference had been made in many of the texts referred to by the Special Rapporteur in chapter III of his report, and which might take the form of inter-State commissions. In his (Mr. Pinto's) opinion, however, the draft articles should go further and require the establishment of such inter-State commissions, not merely as a necessary derivative of the concept of sharing, but as an integral part of it. A modern precedent for that requirement was to be found in the provisions on sea-bed mining contained in the draft Convention on the Law of the Sea.[8] There were many similarities—and also many points of difference—between the uses of rivers and the uses of the sea, but the need for institutional arrangements to secure the rational and equitable utilization of a commonly held or shared natural resource was now accepted with respect to the sea, and was equally applicable to rivers. The scope of the powers and functions of the commissions to be established and the basic principles for their operation would, of course, be defined in specific agreements reflecting the particular needs of the States concerned. He hoped that the Special Rapporteur would consider the possibility of providing in the draft articles for the establishment of institutional arrangements to give effect to the principle that water was a shared natural resource.

45. Lastly, he considered that the draft articles submitted at the current session contained sound principles and that they should therefore be referred to the Drafting Committee.

The meeting rose at 1.05 p.m.

1610th MEETING

Thursday, 12 June 1980, at 10.05 a.m.

Chairman: Mr. Juan José CALLE Y CALLE

Members present: Mr. Barboza, Mr. Castañeda, Mr. Díaz González, Mr. Francis, Mr. Jagota, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov, Mr. Verosta, Mr. Yankov

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Tribute to the memory of Mr. Masayoshi Ohira, Prime Minister of Japan

1. The CHAIRMAN expressed to Mr. Tsuruoka the condolences of the Commission on the occasion of the death of Mr. Masayoshi Ohira, the Prime Minister of Japan.

On the proposal of the Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Masayoshi Ohira.

2. Mr. TSURUOKA thanked the Commission for its condolences. He would not fail to convey that expression of sympathy for himself, and for Japan as a whole, to the Japanese Government and the family of the late statesman.

The law of the non-navigational uses of international watercourses (*continued*) (A/CN.4/332 and Add.1)

[Item 4 of the agenda]

DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR[1] (*continued*)

3. Mr. TSURUOKA said it should be remembered, at that preliminary stage in the work of the Commission, that its mandate was to codify international law and ensure its progressive development. The Commission's task was to forge an international legal instrument which would facilitate the effective use of international watercourses in peace and equity, taking the interests of all States into account. That instrument should be easy to apply and drafted in such a way as to avoid abusive interpretation. The Commis-

[8] See "Informal Composite Negotiating Text/Revision 2" (foot-note 6 above), art. 153 and annex III.

[1] For the text of articles 1 to 7 submitted by the Special Rapporteur, see 1607th meeting, para. 1.