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Summary record of the 1610th meeting

Topic:
Programme of work

Extract from the Yearbook of the International Law Commission:-
1980, vol. I

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.

sion should thoroughly understand its task in order to make a judicious choice of basic principles and determine the scope of its future draft articles.

4. Although his country, Japan, had no international rivers, he was personally very interested in the subject. He had participated in New York in the drawing-up of the Mekong project, with which Japan was associated and to which it made a large contribution. He noted with interest that the implementation of that project had continued until recently, despite the armed conflicts between the countries concerned and the very difficult operating conditions. He saw that as tangible proof that the interest of States in the project was the source of a very powerful feeling of international solidarity. It was probably a sign of the existence, around the Mekong, of a common area of civilization that was deeply conscious of the need for international collaboration.

5. In codifying the law of the uses of international watercourses, the Commission would be doing particularly useful work, and he hoped that henceforth it would make rapid progress.

6. With regard to the general structure of the draft articles, he had already endorsed the two-stage plan proposed by the Special Rapporteur, according to which the Commission would deal first with the framework agreement, which would then be supplemented by system agreements.[2] That seemed to be a very good way of ensuring legal uniformity despite the physical diversity of watercourses. Nevertheless, he supported the plan with certain reservations, since the Commission could not know at that stage whether it would still be necessary to provide for system agreements when it had drafted the framework agreement. He recommended that the Special Rapporteur should give the Commission a comprehensive view of the content of the framework agreement, and hoped he would draw up a list that would be as full as possible, so that the Commission could judge whether it was necessary to provide for system agreements.

7. In article 4, paragraph 1, the Special Rapporteur stated, with some temerity, that "These articles shall be supplemented ...". Greater caution seemed to be called for, since the countries concerned might be unable to conclude a system agreement. In order to allow for that eventuality, he would like the draft articles to be supplemented by a procedure similar to that provided for in article 66 of the draft articles on treaties concluded between States and international organizations or between two or more international organizations and the annex thereto, submitted to the Commission by Mr. Reuter.[3] That procedure would come into play automatically in case of a deadlock over an agreement, and would thus have the great advantage of defusing possible conflicts. At the same time, the possibility of recourse to judicial settlement or arbitration might also be mentioned. Finally, the system agreement was not the only means which interested States could employ.

8. In article 5, he thought that the expressions "All system States" and "applies to the international watercourse system as a whole" should be made more precise by amending them to read: "All system States of an international watercourse system" and "applies to that international watercourse system as a whole".

9. He also pointed out that paragraph 2 of the same article introduced the notion of "enjoyment of the water", which did not appear in any of the preceding provisions. He would like the exact meaning attributed to that expression in the context to be clarified; if its use was not strictly necessary, it would be better to delete it.

10. Despite the many details which remained to be considered, he believed that the time had come for the Commission to go resolutely ahead, with courage and confidence. The first stage would be to refer all the draft articles to the Drafting Committee.

11. Mr. DÍAZ GONZÁLEZ said he agreed with Mr. Reuter (1607th meeting) that in venturing into the unknown realms of the topic of international watercourses the Commission was not dealing with a classical subject of international law. It had reached a crucial point in its history and had to face the task of inventing new rules of conduct for States, on the basis of the few precedents that existed in instruments such as the Convention and Statute on the Regime of Navigable Waterways of International Concern (Barcelona, 1921),[4] the Helsinki Rules on the Uses of the Waters of International Rivers (1966),[5] the Charter of Economic Rights and Duties of States (1974),[6] and the Draft principles of conduct in the field of the environment for the guidance of States in the conservation and harmonious utilization of natural resources shared by two or more States (1978), which had been prepared by an Intergovernmental Working Group of Experts under the auspices of UNEP (see A/CN.4/332 and Add.1, paras. 90 and 158–159).

12. He also agreed with Mr. Reuter that the key to the success of the Commission's study might lie in the term "international watercourse systems" introduced by the Special Rapporteur in draft article 1. That term was particularly appropriate because it reflected what the majority of representatives of States seemed to have had in mind when discussing previous reports on the topic under consideration. The concept of an "international watercourse system" was also fairly

[2] See *Yearbook ... 1979*, vol. II (Part Two), p. 166, document A/34/10, para. 134.

[3] See 1589th meeting, para. 1, and 1593rd meeting, para. 58.

[4] League of Nations, *Treaty Series*, vol. VII, p. 35.

[5] *Yearbook ... 1974*, vol. II (Part Two), p. 357, document A/CN.4/274, part four, sect. C, 1.

[6] General Assembly resolution 3281 (XXIX).

similar to the concept of the "international drainage basin", which had formed the basis for the Helsinki Rules, the Treaty on the River Plate Basin (1969)[7] and the Treaty for Amazonian Cooperation (1978) (see A/CN.4/332 and Add.1, para. 206). The term "system" introduced by the Special Rapporteur would, moreover, facilitate the Commission's task of formulating rules to govern use of the waters of international watercourses, because it covered both the watercourse as such and all the elements, including water itself, which composed the watercourse.

13. In that connexion, he referred to the first report, in which the Special Rapporteur had noted that: "Although fresh water is a renewable resource, it is within man's capability so to upset the order of nature that the hydrologic cycle can no longer produce 'sweet water'".[8] It was because of the need to regulate man's ability to upset the balance of nature and thus adversely affect the hydrologic cycle that the Commission had to formulate rules governing and restraining that ability to cause damages and to upset what nature had created.

14. Another of the key concepts on which the Special Rapporteur had based his second report was that of "shared natural resources", which was perhaps not quite as fashionable a concept as it might seem, because it had existed for over two hundred years. A great deal of work had already been done by various United Nations organs in attempts to define the concept of shared natural resources and to formulate guidelines for the conduct of States in the conservation and use of such resources. In dealing with the problem of shared natural resources, it was quite natural to refer also to sovereignty, and that concept need not cause concern, for with the progressive development of international law it had gradually taken on a meaning different from its nineteenth-century acceptation. There was, however, no doubt that States exercised sovereignty over their natural resources and continued to do so even when those resources were shared.

15. The Commission would sooner or later have to deal with the problem of the definition of terms, even if attempts to solve that problem prevented it from making rapid progress on the formulation of draft articles. It should therefore assume that the basic term "international watercourses", used in draft article 1, was acceptable, and proceed step by step to formulate rules on the effects of the use by States of the waters of such watercourses. Early acceptance of the terms proposed in the draft articles would, moreover, save the Commission having to retrace its steps later.

16. Although there was still a good deal of work to be done on the draft articles submitted at the current session, he would have no objection to their being referred to the Drafting Committee, which might, for example, take note of the fact that in draft article 1, the wording of paragraph 2 should be brought into line with that of paragraph 1, which referred to "international watercourse systems", not merely to "international watercourses".

17. Mr. TABIBI said that at the thirty-fourth session of the General Assembly he had taken part in the work of the Sixth Committee, which had discussed the topic of the non-navigational uses of international watercourses, and in the work of the Second Committee, which had considered and merely taken note of the draft principles of conduct in the field of the environment prepared under the auspices of UNEP. He had thus been in a position to see that, on the whole, States were still rather cautious in their approach to the question of shared natural resources and were eagerly awaiting the results of the Commission's current study.

18. The Commission was fortunate to be guided in its work by a Special Rapporteur from a country which was both an upper and a lower riparian and who thus had great technical and scientific experience of the topic under consideration and the problems it raised. The topic was a many-faceted one, with economic, social and political implications that had taken on increasing importance as a result of technical advances in the science of hydrology and in subjects such as water pollution and population growth. It was the Commission's duty to formulate rules on the use of the waters of international watercourses that would promote co-operation between States and help to settle disputes, not complicate them.

19. Member States should be urged to reply to the questionnaire sent to them by the Commission[9] and invited to include technical experts in their delegations when the Commission's report on the topic was discussed in the Sixth Committee, at the thirty-fifth session of the General Assembly. UNEP, FAO and other bodies dealing with water-related problems should also be invited to send representatives to take part in the Sixth Committee's discussions. The Commission should, moreover, consider the possibility of devoting more time to the topic at its next session.

20. Referring to draft article 1, he said he was concerned about the vagueness of the term "international watercourse", for such vagueness would undoubtedly complicate the Commission's task of formulating rules generally acceptable to all States. He thought it would be better to replace that term by "international river", which had been used and defined in the Final Act of the Congress of Vienna (1815).[10] Although the word "system" was frequently associated with the word "river", its meaning was not entirely clear. In the past, it had merely denoted a "network" of riparian States, but now it could also be

[7] United Nations, *Treaty Series*, vol. 875 (to be published), No. 12550.

[8] Reproduced in *Yearbook ... 1979*, vol. II (Part One), document A/CN.4/320, para. 29.

[9] *Ibid.*, document A/CN.4/324, para. 6.

[10] *Ibid.*, document A/CN.4/320, para. 43.

used to refer to canals, lakes, tributaries and drainage basins. It would therefore be necessary to define the word "system" as clearly as possible if it was to be used in the draft articles.

21. Draft article 7—which in his opinion was the key article submitted at the current session—seemed to imply the idea of complete partnership in the use of natural resources. In a case in which 90 cent of the waters of an international river flowed in the territory of upper riparian State A, he wondered whether, under the terms of draft article 7, it would be possible for lower riparian State B, in which only 10 per cent of the waters of the river flowed, to claim full partnership in the use of those waters and, if it so wished, deny State A its rightful use of the waters. Such a possibility would, in his opinion, be contrary to the principle of permanent sovereignty over natural resources. In that connexion, he referred to articles 2 and 3 of the Charter of Economic Rights and Duties of States and to paragraph 90 of the Mar del Plata Action Plan adopted by the United Nations Water Conference (see A/CN.4/332 and Add.1, para. 149), which might throw some light on the meaning and implications of draft article 7. He suggested that the Special Rapporteur might consider wording the article in softer terms, in order to reflect the cautious approach to the question of shared natural resources adopted by the General Assembly when it had considered the draft principles of conduct prepared under the auspices of UNEP.

22. Lastly, while it was true that navigation was the best established of the various uses that had given rise to the existing body of international law applicable to shared resources (*ibid.*, para. 186), he could not agree with the Special Rapporteur that the body of law respecting navigation should provide sources and analogies for the law of a non-navigational use of international watercourses such as irrigation, which, compared with navigation, was a relatively new activity.

23. Mr. JAGOTA said that the topic under consideration was of great practical importance for the whole world, particularly in view of the effects which the expected water shortage would have on development. It was true that water had a special kind of unity, but that was of little comfort to countries where even the drinking water had to be brought in from outside.

24. The uses of water were manifold. Fresh water flowing towards the sea served primarily as a means of transport and communication, but the movement of goods and persons would not of itself suffice to promote development. That could only be achieved by a proper use of water designed to ensure an adequate supply for urban areas, agriculture, industry and, where the course of the river was suitable, for the generation of electric power. The Commission's task should be to classify the uses very carefully and to examine the whole question independently, rather than by analogy with the rules developed for the navigation of international watercourses. The General Assembly, it would be remembered, had taken the view that, since there was already a large body of conventional and customary law on the navigational uses of international watercourses, the Commission should concentrate on the non-navigational uses. He trusted that it would do so and that it would propose a set of draft articles based on a study that would serve to promote the codification and progressive development of international law in that area.

25. The non-navigational uses of international watercourses were of special interest to the part of the world from which he came, and he had been surprised to learn that 90 per cent of the water drawn from rivers of India was used for agriculture. With industrial development, however, that percentage would obviously change.

26. It had been suggested that an empirical approach should be adopted in studying the subject. That meant that the non-navigational uses of international watercourses should first be classified into consumptive and non-consumptive uses—the former embracing, for example, agricultural, industrial and domestic uses and the latter, generation of power and timber floating. Then, one or two uses should be selected and examined in the light of State practice, doctrine and the recommendations of various international conferences and expert groups, and on the basis of that examination certain propositions could be formulated for the Commission's consideration. The Special Rapporteur, however, favoured what might be termed a deductive approach, whereby the Commission would first determine the basic concepts, and then classify the various uses and determine the principles applicable to each particular use. While he was prepared to accept that approach, he thought it would take more time, since it involved the definition of the term "international watercourse", which was bound to give rise to difficulties. Indeed, it was for that reason that the Special Rapporteur had decided to use the term in a flexible manner without prejudging the scope of the draft.

27. The Commission would have been assisted in its task if a comparative table had been provided, setting out the ten draft articles proposed in the first report,[11] and the seven new draft articles and indicating the changes introduced and the reasons for them. He noted, however, that the Special Rapporteur had not modified his basic idea of a framework agreement that would be supplemented by system agreements to take account of the special features of a particular river system or of sections of that system.

28. He also noted that the main elements of the former draft articles 1, 2 and 3 remained in the new articles, although certain terms had been changed: for instance, "international watercourse" had been re-

[11] *Ibid.*, para. 2.

placed by "international watercourse system" and "user agreements" by "system agreements". With regard to the first of those terms, he agreed that the concept of a watercourse was broader than that of a river, since a watercourse included lakes and the tributaries of rivers, but whether or not it also included ground water would have to be decided later. On the other hand, the terms "international watercourse" and "international watercourse system" conveyed exactly the same meaning to him, and there seemed to be no need to replace the original term. But he had no strong objection to the term "international watercourse system" and could accept it, as well as the term "system State". It might, however, be advisable to explain, for the benefit of Governments, that it was a term of art, which had been adopted to define a concept.

29. The Special Rapporteur had been right, in his view, to omit the provisions of the former draft articles 5 and 6 that dealt with the somewhat controversial issue of the relationship between the framework agreement and system agreements and to replace them by a provision determining which States would be parties to system and sub-system agreements. The Special Rapporteur had likewise omitted the provision relating to the entry into force of an international watercourse agreement, which would be incorporated in the final clauses. In addition, he had combined the provisions of the former draft articles 8, 9 and 10 in a new draft article 6.

30. Draft article 7 introduced, for the first time in that context, the concept of a shared natural resource. The Special Rapporteur had referred in that connexion to article 3 of the Charter of Economic Rights and Duties of States, which, as explained in paragraph 148, his report interpreted as incorporating an implied exception to the terms of article 2 of that Charter: in other words, the principle of permanent sovereignty over natural resources did not apply to shared natural resources. That seemed to be a rather far-fetched idea and one which could raise highly political and sensitive issues, for it would be difficult to accept that a State had no power to decide how it used the waters which flowed through its territory. The main difficulty arose from the word "shared"; that word should therefore be defined to make it quite clear that the waters passing through the territory of a State were under the sovereignty of that State and that it could use them as it wished, so long as it did not do any substantial harm to another State. On that understanding, the expression "shared natural resource" would be acceptable, although the relationship between articles 2 and 3 of the Charter of the Economic Rights and Duties of States would have to be reviewed.

31. He had no objection to including lakes, boundary rivers and resources which straddled a boundary in the concept of shared natural resources. But that concept should not be understood as extending to a river until its elements had been defined so as to ensure that an equitable share in the rights over an international watercourse system was given to each of the States belonging to that system. He feared that any such extension of the concept might create political problems. If, for example, a river flowed mainly through the territory of one State, and the lower riparian States which had only a minor share in that river caused damage to the upper riparian State, what recourse would the latter State have? The crucial point, therefore, was to determine the amount of water to which each State was entitle.

32. Referring to the individual draft articles, he said he saw some advantage in referring, in draft article 1, paragraph 1, to "the uses of the water" of an international watercourse system rather than to the uses of that system itself. In connexion with paragraph 2 of the article, the Special Rapporteur had given a very elaborate example of how the navigational uses of a river or a watercourse had developed the concept of a shared natural resource for application to non-navigational uses. That example, in his view, failed to take account of the basic differences between navigational uses and non-navigational uses.

33. He noted that the Special Rapporteur had explained that the word "flows", in draft article 2, did not prejudice the scope of the articles, since even ground water could be said to flow. He trusted that the Commission would bear that point in mind.

34. There were certain basic differences between draft article 4, which related to system agreements, and the corresponding provision (art. 3) proposed by the Special Rapporteur in his first report. In the first place, the new draft article consisted of two paragraphs, rather than one, the first of which related to the obligation to conclude a system agreement and the second to the type of system agreement concluded. Secondly, the words "may be supplemented", in the former article, had been replaced, in paragraph 1 of draft article 4, by the words "shall be supplemented". In his view, the latter expression, which was mandatory, was out of place in a paragraph which included a phrase denoting a certain flexibility, namely, "as the needs of an international watercourse system may require". The Drafting Committee could perhaps be requested to find some other suitable formulation. With regard to paragraph 2 of draft article 4, he agreed that the phrase "provided that the interests of all system States are respected therein" was very categorical. He proposed that it be replaced by: "provided that the interests of the system States are not adversely affected".

35. The reference in draft article 5, paragraph 2, to the "provisions of a system agreement" did not seem very logical, since it was difficult to see how a system State could participate in the negotiation of an agreement that had already been concluded. He would therefore propose that the word "provisions" be replaced by the word "conclusion". He was also uncertain as to the precise legal import of the phrase "affected to an appreciable extent". The Special

Rapporteur had explained in paragraphs 119–123 of his report that, in that context, the meaning of the word "appreciable" lay somewhere between "substantial" and "minimal", but the point was, where? The phrase "affected to some appreciable extent", which appeared in paragraph 119 of the report, was no clearer. Hence it seemed that the criteria for determining whether another system State could participate in the conclusion of an agreement required further consideration.

36. Lastly, with regard to article 6, he considered that provision for the systematic exchange, as opposed to the collection, of hydrographic data pertaining to the planned uses of water should be made in a sub-system agreement, and not be incorporated in the draft as a general principle of law.

The meeting rose at 1 p.m.

1611th MEETING

Friday, 13 June 1980, at 10.10 a.m.

Chairman: Mr. Juan José CALLE Y CALLE

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

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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. CASTAÑEDA said that the Special Rapporteur's second report (A/CN.4/332 and Add.1), which in the main he endorsed, had the merit of being based on perception of contemporary needs. Rivers and watercourses were used far more widely than in the past, when navigation had been the main use and the sections of a watercourse which passed through each State, as well as the tributaries of rivers, had been regarded, quite logically, as having a certain autonomy, particularly as the exigencies of international life had not yet imposed the concept of shared resources. Since the beginning of the twentieth century, however, there had been a marked change in the situation, which was why a new legal regime for watercourses was required.

2. The first question to consider was whether the Commission should start by drawing up a set of general principles common to all the uses of watercourses, or should deal first with specific uses and then move on to general principles. While either approach was possible, he thought the Special Rapporteur had been right to adopt the first, deductive, approach; for, as pointed out in paragraph 30 of the report, it would be difficult to draw up "a rule dealing with specific activities without knowledge of how the rule fits into a general scheme of things". If the Commission decided to adopt the first approach, it would presumably determine certain general principles applicable to each of the specific uses of an international watercourse and then, in the second stage of its work, lay down the rules applicable to those uses.

3. The second question which had to be considered was whether the Commission should think in terms of a framework agreement that was residual in character and would be supplemented by system agreements. In his view, the Special Rapporteur's approach to the question was well conceived, since system agreements would obviously be required to take account of the widely differing features of international watercourse systems. Some thought should, however, be given to the possibility that, within the residual framework, certain basic principles might be determined which were not themselves residual, but were perhaps even in the nature of a *jus cogens* rule. The concept of shared natural resources, for example, when it had reached its final form, could constitute such a principle.

4. A third question was whether the draft articles should regulate the use of an international watercourse system or the use of the water of such a system. Mr. Ushakov had raised a valid point at the 1607th meeting when he had suggested that, in the case of hydroelectric power stations and timber floating, it was not so much the water itself that was used as the current or flow of the water, which should therefore also be treated as a resource. The Commission's mandate was to prepare draft articles to regulate all the uses of an international watercourse—not only the uses of the water, but also the uses of the current or flow. Possibly that point could be covered by an appropriate reference in draft article 1.

5. The latter part of paragraph 1 of draft article 1 listed certain problems associated with international watercourse systems, and it had been suggested that pollution should be included. That seemed to him to be a most important point. Pollution was an indirect consequence of one of the oldest and most traditional uses of watercourses, namely, as a vehicle for the disposal of human and other waste. With the development of industry, particularly the chemical industry, that problem had inevitably become more acute, and strict regulation was required, bearing in mind, especially, the effects which pollution would have on downstream riparian States. At a symposium on pollution which he had attended, his colleague from the

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