

Institutions for International Freshwater Management

► Stefano Burchi and Melvin Spreij



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24. WaterNet, ISRI, Catalic, UNESCO-IHE Delft, ZU, *Basics of water resources - Reader*, UNESCO-IHP, 66 p.
25. WaterNet, ISRI, Catalic, UNESCO-IHE Delft, ZU, *Conflict prevention and cooperation in international water resources - Course book*, UNESCO-IHP, 269 p.
26. WaterNet, ISRI, Catalic, UNESCO-IHE Delft, ZU, *Conflict prevention and cooperation in international water resources - Reader*, UNESCO-IHP, 211 p.
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31. Janos Bogardi and Saskia Castelein (eds.), *Selected papers of the International Conference From Conflict to Co-operation in International Water Resources Management: Challenges and Opportunities*, UNESCO-IHE Delft, The Netherlands, 20-22 November 2002, UNESCO-IHP, 600 p.



INSTITUTIONS FOR INTERNATIONAL FRESHWATER MANAGEMENT

Report

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For the Food and Agriculture Organization of the United Nations (FAO)

Development Law Service

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INSTITUTIONS FOR INTERNATIONAL FRESHWATER MANAGEMENT

This report describes selected bi- and multilateral institutions for the management of international river basins, lakes, and aquifers. It provides comparative information on various institutional aspects such as scope of authority, internal structure, decision-making procedures, and dispute settlement mechanisms. The aim of the report is to support and complement the PCCP Desk Study *Conflict and Cooperation in the Management of International River Basins, Lakes, and Aquifers: A global Review*, which identifies the state of the art concerning conflict and cooperation in managing international water resources.¹ In addition, the information contained in this report may be a source of inspiration for policy makers, decision makers, legal advisors, and negotiators, and lead to a better understanding of institutions for international freshwater management in general.

The treaties, conventions, and agreements, which established and created the various institutions, have been the primary source of information for this report. In addition, other – mostly electronic – sources have been used to obtain information on the various institutional frameworks and their current basin development plans, programs, and policies. It should be noted, though, that there is no pretence to exhaustiveness. In fact, the Development Law Service will be grateful for suggestions on how to improve the accuracy and completeness of coverage.

M. Spreij, working under contract with the Development Law Service, has prepared this report. Overall supervision and final editing have been the responsibility of S. Burchi, Senior Legal Officer with this Service.

1. LAKE CHAD BASIN COMMISSION (LCBC)

1.1. Legal Basis

Convention and Statutes relating to the development of the Chad Basin, signed at N'Djamena on May 22 1964 (information on its entry into force is not available) (Source: FAO 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*. Legislative Study 61, Rome, pp. 10–15, and FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

1.2. Member States

Cameroon, Chad, Niger, Nigeria, and the Central African Republic (since 1994). Sudan has been granted observer status and will become a member of the LCBC when it ratifies the Convention and Statutes.

1.3. Geographical Scope

The area of jurisdiction of the LCBC is also referred to in the Convention and Statutes as the "conventional basin." In practice, it originally covered 443,000 km². In 1994, the area was extended to 967,000 km² due to the Central African Republic joining the LCBC.

1.4. Legal Personality

The LCBC enjoys the status of an international body. The commissioners of the LCBC and the Executive Secretary enjoy certain diplomatic privileges and immunities. The employees of the LCBC enjoy the privileges and immunities accorded to the officials of equivalent status of the Organization of African Unity.

1.5. Website

Not available.

E-mail: lcabc@intnet.td

1.6. Organizational Structure

The Summit of the Heads of State and Government is the highest authority. However, the Summit is not recognized as such by the Convention and Statutes, which only mention the responsibility for the heads of state and government to appoint and dismiss the Executive Secretary.

The LCBC is composed of two commissioners per member state. The commissioners are subject to appointment, instructions, and dismissal by the governments of the member states. The LCBC meets at least once a year in ordinary session, and meets exceptionally on the request of two member states. One commissioner from each member state being present forms a quorum. The LCBC draws up its own Rules of Procedure.

According to the Convention and Statutes, the LCBC consists of eight commissioners. However, due to the Central African Republic joining the LCBC in 1994, it actually has ten commissioners. This number will be increased to twelve when Sudan officially joins the LCBC.

The Executive Secretariat, headed by an Executive Secretary, is the executive body of the LCBC. The heads of state and government appoint and dismiss the Executive Secretary on the recommendation of a simple majority of the

commissioners. The term of the Executive Secretary is three years and is renewable. The Executive Secretariat consists of four departments:

- Administration and Finance
- Planning and Project Execution
- Documentation, Information, Remote Sensing, and Advanced Technologies
- Water Resources.

1.7. Decision Making

Decisions of the LCBC are taken unanimously. To become binding they have to be approved by the governments of the member states.

1.8. Functions

The functions of the LCBC are advisory and coordinating, and can be summarized as follows:

- Preparing joint rules, which will enable the application of the principles defined in the Convention and Statutes, and ensuring their effective application.
- Collecting, examining, evaluating, and disseminating information on projects prepared by member states and recommending planning for joint works and research programs within the basin.
- Maintaining liaison among member states in order to facilitate the most efficient use of the waters of the basin.
- Following up the execution of works and studies.
- Promoting regional cooperation and the coordination of regional projects.
- Examining complaints and proposing the settlement of disputes.

1.9. Information/Notification

The member states are required to notify and consult the LCBC prior to undertaking new projects that are likely to have an appreciable effect on the overall water balance or water quality of the basin. They are obliged to inform the LCBC of any studies and schemes from their initial stage.

The LCBC keeps the member states informed at least once a year through periodic reports on the execution of works and studies.

1.10. Funding/Financing

The member states contribute on an equal basis to the ordinary budget of the LCBC. Extraordinary expenses are financed by and with the agreement of the governments of the member states concerned.

In 1973, the member states agreed upon the establishment of a Development Fund for the Lake Chad Basin. There are no indications, however, that this Fund is currently active.

1.11. Dispute Settlement

The LCBC examines complaints and assists in settling disputes.

According to the Convention, the Commission of Mediation, Conciliation, and Arbitration of the Organisation of African Unity (OAU) decides disputes concerning the interpretation or implementation of the Convention and Statutes that have not been determined by the LCBC. However, on 9 July 2002, the OAU was replaced by the

African Union. The "Constitutive Act" of the African Union does not recognize the Commission of Mediation, Conciliation and Arbitration as one of its organs.

1.12. Dissolution/Termination

Each member state can terminate the Convention, which includes the Statutes, by written notice following the expiry of a period of ten years from its entry into force. Termination takes effect one year after the acknowledgement of receipt and is without prejudice to any commitments entered into before the notice was given, concerning a study or work program.

Strictly speaking, it is not possible for a member state to simply withdraw from the Convention. It can only terminate the Convention as a whole.

1.13. Remarks

The convention and statutes of the LCBC need to be updated. Issues to include are the position of the summit of the heads of state and government, the number of commissioners, and withdrawal from the convention and statutes.

A draft Agreement on the equitable and reasonable utilization, development, conservation, management, and protection of the international waters of the conventional Lake Chad Basin has been tabled before the Standing Technical Committee on Water Resources at its meeting of October 24–6 2000. The draft agreement strengthens the role of the LCBC and empowers it to verify compliance with its provisions.

In 1994, the LCBC outlined a Master Plan to promote agriculture while reducing the rate of environmental degradation. The Plan consists of thirty-six projects that focus on the management and protection of water resources, forestry, biodiversity management, polder improvement, irrigated rice, livestock, and fisheries. A special project, financed by the Global Environment Facility, currently aims to integrate these projects in such a way to avoid duplication.

1.14. Additional References

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United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

International Monetary Fund (July 16 2002)

<http://www.imf.org/external/np/sec/decdo/lcbc.htm>

Office International de l'Eau (July 16 2002)

<http://www.oieau.fr/ciedd/contributions/atriob/resume/rcblt.htm>

2. JOINT AUTHORITY FOR THE STUDY AND DEVELOPMENT OF THE NUBIAN SANDSTONE AQUIFER

2.1. Legal Basis

Regulation of the Joint Authority for the study and development of the Nubian Sandstone Aquifer, adopted in 1992² (information on its entry into force is not available) (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

The following instruments are also relevant:

- Agreement on Monitoring and Exchange of Groundwater Information of the Nubian Sandstone Aquifer System, signed at Tripoli on October 3–4 2000 (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>).
- Agreement on Monitoring and Data Sharing, signed at Tripoli on October 3–4 2000 (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

2.2. Member States

Egypt, Libya, Sudan (since 1998), and Chad (since 1999).

2.3. Geographical Scope

The Nubian Sandstone Aquifer.

2.4. Legal Personality

No specific provision.

2.5. Website

Not available.

2.6. Organizational Structure

According to the Regulation, a Board manages the Joint Authority. Each member state appoints three ministerial-level members to the Board. The member states elect – on a rotating basis – one of the members to become Chair of the Board for a period of one year. The Chairperson represents the Joint Authority in its relationships with third parties and before the courts, and can sign contracts on behalf of the Joint Authority in accordance with the recommendations of the Board. Meetings are held once every four months and may be held at other times on request of a member state. Two-thirds of the members from each member state form a quorum at meetings of the Board. However, if the required quorum has not been reached at the first meeting, the second will be valid if attended by any number of members. The Board may invite representatives of international organizations and donor states and institutions to attend the meetings of the Board as observers.

The Joint Authority has an administrative secretariat as well as technical, administrative, legal, and other staff. The Board appoints an executive general manager for a renewable three-year period.

2.7. Decision Making

The decisions of the Board are taken by majority vote. However, a two-thirds majority is required for resolutions concerning the following issues:

- consideration and approval of the budget
- proposals for cooperation with regional and international organizations and donor states
- the establishment of new offices.

2.8. Functions

The functions of the Joint Authority can be summarized as follows:

- Preparing and executing studies, in particular related to the environmental aspects of groundwater development, desertification control, and energy.

- Collecting and analyzing information, data, and study results, in particular related to the use of the groundwater resources in the member states.
- Developing and executing a common policy as well as programs and plans for the development and utilization of the groundwater resources.
- Establishing cooperation and disseminating information on the aquifer.

The Board is responsible for the management of the Joint Authority. Its functions include drawing plans and policies, preparing an annual report on its activities, auditing and approving the budget of the Joint Authority, approving the organizational structure of the Joint Authority, and issuing administrative and financial regulations.

The administrative secretariat and the executive general manager implement the recommendations and resolutions of the Board. The executive general manager proposes the organizational structure, supervises the technical, administrative, and financial departments, and pursues technical studies related to the activities of the Joint Authority.

2.9. Information/Notification

The Agreement on Monitoring and Exchange of Groundwater Information of the Nubian Sandstone Aquifer System determines that the member states share information through the Nubian Aquifer Regional Information System (NARIS). The function of NARIS is to store, process, analyze, and electronically display basic data covering all fields relevant to the aquifer and including socioeconomic data, drilling tests, and meteorological data. The information is shared and accessed by the member states only.

The Agreement on Monitoring and Data Sharing determines that the member states monitor and share, in particular, the following information:

- Annual extractions, specifying the geographical location and the number of wells and springs.
- Annual electrical conductivity measurements, followed by chemical analysis if drastic changes in salinity are observed.
- Water level measurements taken twice a year.

2.10. Funding/Financing

The financial resources of the Joint Authority consist of annual contributions by the member states and donations from national and international institutions, organizations, and donor states. The member states contribute on an equal basis to the budget of the Joint Authority and must observe a timely payment schedule.

2.11. Dispute Settlement

No specific provision.

2.12. Dissolution/Termination

No specific provision.

2.13. Remarks

In 1998, the member states initiated a project for the sustainable development of the Nubian Sandstone Aquifer System. The project resulted in a regional strategy for the management of the aquifer and the arrangement for the exchange and update of information and monitoring of the aquifer (see above). Under the umbrella of the

project, the Joint Authority held four out of the six meetings held since its establishment.

2.14. Additional References

Nubian Sandstone Aquifer System Program (July 16 2002) <http://isu2.cedare.org.eg/nubian/>

3. NIGER BASIN AUTHORITY (NBA)

3.1. Legal Basis

Revised Convention creating the Niger Basin Authority, signed at N'Djamena on October 29 1987 (information on its entry into force is not available) (Source: FAO. 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*. Legislative Study 61, Rome, pp. 62–70, and FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

The Revised Convention replaces the Convention creating the Niger Basin Authority, signed at Faranah on November 25 1980. The 1980 Convention replaced the Agreement concerning the Niger River Commission and Navigation and Transport on the River Niger, signed at Niamey on November 25 1964, as amended.

3.2. Member States

Benin, Burkina Faso, Cameroon, Chad, Guinea, Ivory Coast, Mali, Niger, and Nigeria.

3.3. Geographical Scope

The Niger River Basin.

3.4. Legal Personality

The NBA is an inter-governmental institution that enjoys legal personality. It has the capacity to:

- enter into contracts
- acquire property
- institute legal proceedings
- borrow funds
- receive donations and legacies.

The representatives and employees of the NBA enjoy certain diplomatic privileges and immunities.

The NBA has succeeded to, and has assumed all the assets and liabilities of, the former Niger River Commission established by the Agreement concerning the Niger River Commission and the Navigation and Transport on the River Niger of 1964.

3.5. Website

<http://www.abn.ne> (July 16 2002)

3.6. Organizational Structure

The Summit of Heads of State and Government is the NBA's supreme governing body. It elects – on a rotating basis – one of its members to become President for a period of two years. The President represents the Summit between its meetings and takes all

the decisions in the NBA's interest. The Summit meets every two years in ordinary session. Extraordinary meetings are held on the request of its President or a member state. A simple majority of the members forms a quorum.

The Council of Ministers is the NBA's control and supervising body, and experts can assist it. The Council elects – on a rotating basis – one of its members to become President for a period of two years. The President represents the Council between its meetings. The Council meets once a year in ordinary session. Extraordinary meetings are held on the request of a member state. A simple majority of the members forms a quorum. The revised Convention contains no reference to Rules of Procedure or bylaws of the Council or any other body of the NBA.

The Technical Committee of Experts consists of representatives from each member state. It meets according to a schedule approved by the Council.

The Executive Secretariat, headed by an Executive Secretary, is the NBA's executive body. The Summit appoints the Secretary upon recommendation of the Council for a four-year period, which can be renewed for another four-year period only once. The departments of the Executive Secretariat are:

- Administration and Finance
- Planning and Project Execution
- Documentation and Information.

3.7. Decision Making

Recommendations and resolutions of the Council of Ministers are adopted by consensus.

3.8. Functions

The functions of the NBA can be summarized as follows:

- Harmonizing and coordinating the national policies of the member states.
- Preparing and implementing an integrated development plan for the basin.
- Promoting and participating in works and projects of common interest.
- Assuring the control and regulation of all forms of navigation on the Niger River, its tributaries, and sub-tributaries.
- Mobilizing financial resources for studies, works, and projects.

The Summit of Heads of State and Government defines the development policy of the NBA. It also makes final decisions on all matters that remain unresolved by the Council.

The Council of Ministers examines all problems presented to it, prepares the meetings of the Summit, submits recommendations to it, and monitors the activities of the Executive Secretariat.

The Technical Committee of Experts prepares the meetings of the Council and submits reports and recommendations to it through the Executive Secretariat.

The Executive Secretariat is responsible for the administration and management of the NBA. In particular, it carries out works and studies and formulates proposals designed to contribute to the harmonious development of the NBA.

3.9. Information/Notification

The member states are obliged to inform the Executive Secretariat on all projects and works that they wish to undertake within the basin.

The NBA informs the member states on a permanent basis on any important development.

3.10. Funding/Financing

Each member state's contribution to the budget of the NBA is based on a sharing formula equitably determined among the member states. The member states undertake to pay their annual contribution regularly. The NBA receives financial support from external donors, which makes it possible to execute its projects.

A Financial Controller, appointed by the Council, controls the financial operations of the NBA and reports to the Council. A special Commission, composed of two Financial Inspectors appointed by two of the member states on a rotating basis for a period of two years, verifies the accounts of the Executive Secretariat at least once a year. Specific rules on the functioning of the Financial Controller and the Commission can be found in the "Revised Financial Regulation of the NBA," signed at N'Djamena on October 27 1987. (Information on its entry into force is not available.) (Source: FAO. 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*, Legislative Study 61, Rome, pp. 113–21.)

3.11. Dispute Settlement

Any dispute between the member states over the interpretation or implementation of the Convention is settled amicably through direct negotiations. If the negotiations fail, the dispute can be brought before the Summit by one of the member states.

3.12. Dissolution/Termination

Any member state can withdraw from the Convention by written notice upon the expiry of a period of ten years from the date on which the Convention came into force. Such withdrawal takes effect one year after the date of receipt of the notice, but will not affect any existing programs or other commitments.

3.13. Remarks

Increasingly, the effects of degradation of the environment are becoming a matter of serious concern for the member states of the NBA. They have developed a three-year action plan (2000–2002), which consists of the following components:

- Strengthening of co-ordination, monitoring, and control of natural resources.
- Execution of basic studies and pilot projects with a view to achieving a long term integrated development of the basin.
- Support to initiatives developed by rural communities.
- Consolidation of the structure of the Executive Secretariat and of national NBA units.

The NBA is in the process of developing a five-year action plan (2003–2007).

Current projects of the NBA focus on the control of floods and drought, enhancing river navigation, securing agricultural and power production, and combating desertification.

3.14. Additional References

Godana, B.A. 1985. *Africa's Shared Water Resources: Legal and Institutional Aspects of the Nile, Niger, and Senegal River Systems*. Geneva, Graduate Institute of International Studies. 370 pp.

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

4. NILE BASIN INITIATIVE (NBI)

4.1. Legal Basis

There is no treaty, convention, or agreement available. However, during a meeting in Dar es Salaam, Tanzania, on February 22 1999, the Ministers of Water Affairs of the Nile Basin Countries adopted and signed Minutes that formally established the NBI.³

4.2. Member States

Burundi, Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda

Eritrea participates as an observer but has expressed a strong interest to join the NBI, making the Initiative inclusive of all the ten countries of the Nile River Basin.

4.3. Geographical Scope

The Nile River Basin.

4.4. Legal Personality

The NBI is a *transitional* arrangement/mechanism/partnership/process for cooperation until a permanent framework is established.

4.5. Website

<http://www.nilebasin.org> (July 16 2002).

4.6. Organizational Structure

The Council of Ministers of Water Affairs of the Nile Basin States (Nile-COM) generally meets once a year and serves as the highest decision-making organ of the NBI.

A Technical Advisory Committee (Nile-TAC), composed of two representatives from each state, generally meets four or five times a year and supports Nile-COM. Nile-TAC has adopted its own Rules of Procedure and Terms of Reference, which have been approved by Nile-COM. Organizations that are working in close cooperation and partnership to support the NBI ("external partners") may attend meetings of Nile-TAC by invitation.

A Secretariat (Nile-SEC) is maintained under the direction of Nile-TAC and authority of Nile-COM.

4.7. Decision Making

No specific provision.

4.8. Functions

Nile-COM provides policy direction for the Nile Basin cooperation, including the Strategic Action Program that has been launched to identify and prepare cooperative projects in the Basin. The Program consists of two complementary sub-programs:

- Shared Vision Program. The basin-wide Shared Vision Program currently includes seven projects, which build upon each other to form a coordinated program. Four of these are thematic in nature, addressing issues related to environmental management, power trading, efficient water use for agriculture, and water resources planning and management. The remaining three are facilitative, supporting efforts to strengthen confidence building and stakeholder involvement, applied training, and socioeconomic development and benefit sharing.
- Subsidiary Action Programs. Two Subsidiary Action Programs are being developed. The Eastern Nile (EN-SAP) currently includes Egypt, Sudan, and Ethiopia, while the Nile Equatorial Lakes Region (NEL-SAP) includes the six countries in the southern portion of the Basin, as well as the downstream riparian states Sudan and Egypt. These subsidiary groups have identified joint investment opportunities that warrant further investigation and preparation.

Nile-TAC derives its functions from the instructions and the mandate given by Nile-COM. Nile-TAC prepared the Shared Vision Program for approval and endorsement of Nile-COM, and has responsibility for coordinating the activities of Nile-COM and for overseeing and directing the work of Nile-SEC. In addition, Nile-TAC has the task of preparing priority projects to implement the Shared Vision Program for the approval of Nile-COM. This is being done through Working Groups that oversee the preparation of the priority projects.

Nile-SEC renders administrative services to Nile-COM, Nile-TAC, and the projects as appropriate.

4.9. Information/Notification

No specific provision.

4.10. Funding/Financing

The costs of Nile-COM, Nile-TAC, and Nile-SEC are financed by regular annual contributions from the Nile Basin states.

To support the Strategic Action Program an International Consortium for Cooperation on the Nile (ICCON) is being established following a request from Nile-COM to the World Bank to coordinate donor support for the NBI. ICCON is a partnership between and among the Nile riparian states and the international community and seeks to raise and coordinate funding from bilateral, multilateral, and possibly private funding entities, in support of cooperative water resources management and development projects and other related projects in the Nile Basin. A World Bank-managed Trust Fund is proposed by Nile-COM as the preferred initial funding mechanism. A future objective is the transfer of the Nile Basin Trust Fund to a Nile Basin institution with appropriate legal status and capacity.

4.11. Dispute Settlement

No specific provision.

4.12. Dissolution/Termination

No specific provision.

4.13. Remarks

There is awareness that sustained Nile Basin cooperation requires a permanent institution and an agreement on core legal principles. In early 2000, a Panel of Experts produced the draft of a Cooperative Framework, the text of which is not available. Reportedly, disagreements revolve around the principle of prior notification of planned measures and the state of the existing agreements under the new Cooperative Framework.

4.14. Additional References

Brunnee, J and Toope, S.J. 2002. The Changing Nile Basin Regime: Does Law Matter? *Harvard International Law Journal*. Vol. 43, pp. 105–59.

Amare, G. 1997. *The Nile Issue: The Imperative Need for Negotiation on the Utilization of the Nile Waters*. Addis Ababa, Ethiopian International Institute for Peace and Development (EIIPD). 15 pp.

World Bank (July 16 2002) <http://www.worldbank.org/afr/nilebasin/>

5. ORGANIZATION FOR THE MANAGEMENT AND DEVELOPMENT OF THE KAGERA RIVER BASIN (KAGERA BASIN ORGANIZATION, OR KBO)

5.1. Legal Basis

Agreement establishing the Organization for the Management and Development of the Kagera River Basin, signed at Rusumo on August 24 1977 (entry into force: February 5 1978) (Source: FAO 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*. Legislative Study 61, Rome, pp. 35–42, and FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

5.2. Member States

Burundi, Rwanda, Tanzania, and Uganda.

5.3. Geographical Scope

The area drained by the Kagera River, including its tributaries and sub-tributaries.

5.4. Legal Personality

The KBO has the necessary legal capacity to carry out its functions in the territory of the member states. It can enter into agreements, acquire and dispose of property, and institute legal proceedings. The KBO, the members of its Commission (see below), and certain employees as determined by the Commission enjoy diplomatic immunities and privileges.

5.5. Website

Not available.

5.6. Organizational Structure

The KBO consists of a Commission and a Secretariat.

The Commission consists of four members, one from each member state. It meets three times a year to discuss and decide on the projects, works, and

development programs of the KBO, and to approve the budget. Extraordinary meetings are held on the request of three members. The meetings are presided over by the representative of the host country who also assumes the chair of the Commission until the next meeting. The Commission adopts its own Rules of Procedure and approves the procedural rules of the Secretariat.

The Secretariat, headed by the Executive Secretary, is the executive body of the KBO. The position of Executive Secretary rotates among the member states every four years. The Secretariat has four departments:

- administration and financial matters
- research and training
- planning and preparation of projects
- execution and management of projects.

5.7. Decision Making

The decisions of the Commission are taken unanimously.

5.8. Functions

KBO is a regional development organization, whose scope of activity covers:

- water and hydropower resources development
- industrial development
- mineral exploration and exploitation
- the furnishing of water supplies for mining and industrial operations and of potable water supplies for other needs
- agriculture and livestock development, forestry, and land reclamation
- wildlife conservation and development, including fisheries and aquaculture
- disease and pesticide control
- transport and communications
- trade
- tourism
- protection of the environment.

5.9. Information/Notification

No specific provision.

5.10. Funding/Financing

The member states contribute on an equal basis (25 percent each) to the operational budget of the KBO. The annual contributions have to be paid in advance each semester.

5.11. Dispute Settlement

Differences between the member states about the application of the Agreement will be settled through consultations between the member states. If the member states cannot reach an agreement, differences will be settled in the manner provided for in the Charter of the Organisation for African Unity.

5.12. Dissolution/Termination

In the event of dissolution, the member states will appoint a liquidator.

5.13. Additional References

- Godana, B.A. 1985. *Africa's Shared Water Resources: Legal and Institutional Aspects of the Nile, Niger, and Senegal River Systems*. Geneva, Graduate Institute of International Studies. 370 pp.
- United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5-14 1981*. New York, United Nations. 424 pp.

6. ORGANISATION POUR LA MISE EN VALEUR DU FLEUVE SENEGAL (OMVS) (ORGANISATION FOR THE DEVELOPMENT OF THE SENEGAL RIVER)

6.1. Legal Basis

Convention concerning the Statute of the Senegal River, signed at Nouakchott on March 11 1972 (information on its entry into force is not available) (Source: FAO. 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*. Legislative Study 61, Rome, pp. 19-23, and FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

Convention establishing the Organization for the Development of the Senegal River (OMVS), signed at Nouakchott on March 11 1972, as amended (information on its entry into force is not available) (Source: FAO 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*. Legislative Study 61, Rome, pp. 24-31, and FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

The following instruments have further implemented the Conventions:

- Convention on the legal status of the common works, signed at Bamako on December 21 1978 (information on its entry into force is not available) (Source: FAO. 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*. Legislative Study 61, Rome, pp. 53-61, and FAOLEX database <http://faolex.fao.org/faolex/index.htm>).
- Convention on the financing of the common works, signed at Bamako on May 12 1982.⁴

6.2. Member States

Mali, Mauritania, and Senegal. Guinea has observer status.

6.3. Geographical Scope

The Senegal River Basin.

6.4. Legal Personality

The OMVS has full legal personality. It has the power to:

- enter into contracts
- acquire and dispose of property
- receive donations, subsidies, legacies, and other gifts
- borrow funds
- apply for technical assistance
- institute legal proceedings.

6.5. Website

Not available.

E-mail: omvssphc@metissacana.sn

6.6. Organizational Structure

The Conference of the Heads of State and Government is the supreme governing body of the OMVS. It elects – on a rotating basis – one of its members to become President of the Conference for a period of two years. The Conference meets once a year in ordinary session. Extraordinary meetings are held on the request of its President or a member state.

The Council of Ministers is the supervisory body of the OMVS and the legal representative of the OMVS. It can delegate its tasks in this respect to the High Commissioner. The Council elects – on a rotating basis – one of its members to become President for a period of two years. The President represents the Council between its meetings. The Council meets twice a year in ordinary session. Attendance by the member states is mandatory. Extraordinary meetings are held on the request of a member state.

The Office of the High Commissioner is the executive organ of the OMVS. It is headed by a High Commissioner appointed by the Conference of the Heads of State and Government for a renewable four-year term. The Office of the High Commissioner adopts its own Rules of Procedure. It consists of the following departments:

- Administration and Accounting
- Foreign Relations
- Technical Matters
- Regional Documentation Center.

The Permanent Water Commission is the consultative body of the Council of Ministers, composed of representatives of the member states. It meets when necessary on the request of the High Commissioner.

The OMVS has established two other consultative bodies, namely, an Advisory Committee, composed of representatives from governments, financial institutions, and the OMVS, and a Regional Planning Committee that advises on the availability of water resources in the basin to meet the regional development plans of the member states.

The member states have also established National Offices, which are represented in the Advisory Committee.

The Convention on the legal status of the common works provides for the establishment of interstate public companies for the purpose of managing and exploiting the common works. In 1997, two companies were established to manage and exploit two major projects, namely the Diama Dam and the Manantali Dam:

- SOGED (Société de Gestion et d'Exploitation du Barrage de Diama)
- SOGEM (Société de Gestion de l'Energie de Manantali).

The Council of Ministers acts as the "General Assembly" of these companies.

6.7. Decision Making

The decisions of the Conference of the Heads of State and Government and of the Council of Ministers are taken unanimously. The decisions are binding on the member states.

6.8. Functions

The OMVS has the following functions:

- Implementing the Convention concerning the Statute of the Senegal River, which contains rules and principles on agricultural and industrial exploitation as well as navigation and transport.
- Promoting and coordinating development studies and works. In particular, the OMVS supervises the development and the exploitation of the common works.
- Carrying out all technical and economic functions that the member states entrust to it.

The Conference of the Heads of State and Government provides overall policy guidance.

The Council of Ministers formulates the management policy for the development of the Senegal River. It sets priorities and determines the contributions of the member states to the budget and the operations of the OMVS. It approves the budget of the OMVS and the Rules of Procedure of the Office of the High Commissioner.

The Office of the High Commissioner implements the decisions of the Council of Ministers and reports regularly on the implementation of these decisions and all other initiatives taken. The High Commissioner is responsible for the administration and the staff of the OMVS as well as its financial operations. Within the limits of the powers delegated by the Council of Ministers the High Commissioner represents the OMVS, in particular in its relations with international aid and bilateral cooperation organizations. The High Commissioner undertakes studies and implements projects relating to hydrology and agriculture. The member states can charge the High Commissioner with the seeking of funds for projects. The High Commissioner has a coordinating task regarding the development and exploitation of the common works.

The Permanent Water Commission has the task of defining the water allocation among the member states and among the use sectors, namely: industry, agriculture, and transport.

The Advisory Committee advises the OMVS. The Regional Planning Committee advises the OMVS on whether the available resources in the basin can meet the regional development plans of the member states.

The National Offices assist the OMVS with the implementation of its projects and coordinate the activities of the OMVS in the member states.

6.9. Information/Notification

According to the Convention concerning the Statute of the Senegal River, any project likely to modify substantially the river regime, the state of its water, the biological features of its fauna and flora, and its conditions of navigability and of agricultural or industrial exploitation can only be executed after approval of the member states. To this end, member states must be provided timely information about any project concerning the development of the river.

6.10. Funding/Financing

The member states contribute on an equal basis to the ordinary budget of the OMVS.

According to the Convention on the legal status of the common works, the costs and expenses of investment and exploitation are shared among the member states in proportion to the benefits derived by each member state from such works. The sharing of the costs and expenses can be readjusted periodically.

The Convention on the financing of the common works provides for additional rules on the methods of financing, such as contributions, loans, and subsidies.

6.11. Dispute Settlement

The Convention concerning the Statute of the Senegal River, the Convention establishing the OMVS, and the Convention on the legal status of the common works, state that any dispute between the member states about the interpretation or application of the respective Convention will be resolved by conciliation and mediation. If the member states cannot reach an agreement, the dispute must be submitted to the Commission of Mediation, Conciliation, and Arbitration of the Organisation of African Unity. The International Court of Justice acts as an appeal tribunal of last instance.

6.12. Dissolution/Termination

Any member state can withdraw from the OMVS or the Convention on the legal status of common works by written notice. Withdrawal takes effect after agreements acceptable to the member states and to interested third parties with respect to the liquidation of established rights and obligations have been made.

Any member state can withdraw from the Convention concerning the Statute of the Senegal River upon the expiry of a period of ninety-nine years from the date in which the Convention came into force. The withdrawal is effected by written notice to the government of Mauritania, which will inform the other member states. The withdrawal takes effect six months after the notice, but will not affect any existing agreements.

The OMVS can be dissolved on request of at least two member states.

6.13. Remarks

Negative impacts on the environment appeared after the inauguration of the Diama and the Manantali Dams. This forced the OMVS to implement environmental conservation measures. In 1997, the OMVS started the Environmental Impact Mitigation and Monitoring Program ("PASIE": Program d'Atténuation et de Suivi des Impacts sur l'Environnement).

6.14. Additional References

Godana, B.A. 1985. *Africa's Shared Water Resources: Legal and Institutional Aspects of the Nile, Niger, and Senegal River Systems*. Geneva, Graduate Institute of International Studies. 370 pp.

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5-14 1981*. New York, United Nations. 424 pp.

World Commission on Dams (July 16 2002)

<http://www.dams.org/kbase/submissions/showsub.php?rec=ins118>

Global Environment Facility (July 16 2002)

http://www.gefweb.org/Documents/Council_Documents/GEF_C18/Regional_Senegal_River_Basin.pdf (Annex 7, Institutional Chart of the OMVS)

Office International de l'Eau (July 16 2002)

<http://www.oieau.fr/ciedd/contributions/atriob/contribution/omvs.htm>

7. PERMANENT OKAVANGO RIVER BASIN WATER COMMISSION (OKACOM)

7.1. Legal Basis

Agreement on the establishment of a Permanent Okavango River Basin Water Commission (OKACOM), signed at Windhoek on September 16 1994 (entry into force:

September 15 1994) (Source: FAO. 1997. *Treaties Concerning the Non-Navigational Uses of International Watercourses: Africa*. Legislative Study 61, Rome, pp. 142–45, and FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

7.2. Member States

Angola, Botswana, and Namibia.

7.3. Geographical Scope

The Okavango River Basin.

7.4. Legal Personality

The Agreement contains no specific provisions. However, OKACOM has the power to appoint consultants to assist in the gathering and processing of information.

7.5. Website

Not available.

7.6. Organizational Structure

OKACOM consists of three delegations. Each delegation consists of not more than three members to be appointed by the member states. Advisors may be part of a delegation, but not more than three advisors may attend a meeting, unless otherwise agreed upon by OKACOM. Meetings are held at least once a year, but more meetings take place according to need. Six members, consisting of at least two members from each delegation, form a quorum. OKACOM determines its own Rules of Procedure.

7.7. Decision Making

The decisions of OKACOM are based on consensus. If no decision can be made, the matter is referred to the member states for further negotiation.

7.8. Functions

OKACOM advises the member states on the following technical and policy issues:

- Measures and arrangements to determine the long-term safe yield of the water available from all potential water resources in the basin.
- Reasonable demand for water from the consumers in the basin.
- The criteria to be adopted in the conservation, equitable allocation, and sustainable utilization of water resources in the basin.
- Investigations, separately or jointly by the member states, related to the development of any water resources in the basin, including the construction, operation, and maintenance of any water works.
- The prevention of pollution of water resources, and control over aquatic weeds in the basin.
- Measures that can be implemented by the member states to alleviate short-term difficulties resulting from water shortages in the basin during periods of drought, taking into consideration the availability of stored water and the water requirement within the territories of the member states at that time.
- Such other matters as may be determined by OKACOM.

7.9. Information/Notification

Each member state provides, to the extent permitted by its own laws and procedures, such information as OKACOM may require and notifies OKACOM of any development or other matter falling within its functions.

7.10. Funding/Financing

Each member state is responsible for the costs of its own delegation. The member state hosting a meeting of OKACOM is responsible for the costs related to that meeting. The member states share the other costs and liabilities accepted by OKACOM on an equal basis, unless otherwise agreed upon by OKACOM.

The reports of OKACOM may include estimates of the costs involved in the implementation of the advice of OKACOM and may include proposals for the apportionment of such costs.

7.11. Dispute Settlement

Any dispute concerning the interpretation or implementation of the OKACOM Agreement will be settled by the member states.

7.12. Dissolution/Termination

A member state may withdraw from the Agreement upon the expiry of six months from the date of giving a written notice to the other member states.

A member state that withdraws from the Agreement ceases to enjoy all rights and benefits under it, but remains bound by its obligations for a period of twelve months from the date of its withdrawal coming into effect.

7.13. Remarks

Under the Agreement, the member states are working towards the implementation of an Integrated Management Plan (IMP). The first phase of this process, consisting of a transboundary diagnostic assessment, has been completed, and the second phase, consisting of a strategic environmental program, was begun in 2001. The environmental program will lay the groundwork for developing the Integrated Management Plan.

7.14. Additional References

International Rivers Network (July 16 2002) <http://www.irn.org/programs/okavango/>
Southern African Development Community (July 16 2002)
http://www.sadcwscu.org.ls/programme/rsap/prog_regionalstrag_pcn31.htm

8. MEKONG RIVER COMMISSION (MRC)

8.1. Legal Basis

Agreement on the cooperation for the sustainable development of the Mekong River Basin, signed at Chiang Rai on April 5 1995 (entry into force: April 5 1995) (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

The Agreement supersedes the following instruments:

- Statute of the Committee for the Coordination of Investigations of the Lower Mekong Basin, adopted at Bangkok on September 17 1957 (as amended).

- Joint Declaration of Principles for Utilization of the Waters of the Lower Mekong Basin, signed at Vientiane on January 31 1975.
- Declaration concerning the Interim Committee for Coordination of Investigations of the Lower Mekong Basin, signed at Vientiane on January 5 1978.

8.2. Member States

Thailand, Laos, Cambodia, and Vietnam. The two upper basin states, China and Myanmar, have observer status in the Commission.

8.3. Geographical Scope

The Lower Mekong River Basin.

8.4. Legal Personality

The MRC enjoys the status of an international body. It has the power to enter into agreements with donors and the international community.

The Commission has succeeded to, and has assumed all the assets, rights, and liabilities of, the former Committee for the Coordination of Investigations of the Lower Mekong Basin, and Mekong Secretariat, created in 1957.

8.5. Website

<http://www.mrcmekong.org> (July 16 2002).

8.6. Organizational Structure

The MRC has three permanent bodies: the Council, Joint Committee, and Secretariat.

The Council is composed of one member from each member state, at ministerial level. It holds at least one meeting every year. Extraordinary meetings are held whenever the Council considers it necessary or upon the request of a member state. It may invite observers to its meetings, as it deems appropriate. The Council nominates – on a rotating basis – one of its members to become Chairman of the Council for a period of one year. It adopts its own Rules of Procedure.

The Joint Committee is composed of one member from each member state at head of department level. It holds at least two regular meetings every year. Extraordinary meetings are held whenever the Joint Committee considers it necessary or upon the request of a member state. It may invite observers to its sessions, as it deems appropriate. The Joint Committee nominates – on a rotating basis – one of its members to become Chairman of the Joint Committee for a period of one year. It adopts its own Rules of Procedure, to be approved by the Council.

The Secretariat is headed by a Chief Executive Officer appointed by the Council from a shortlist of candidates selected by the Joint Committee. It consists of the following sections and divisions:

- Program Coordination and Public Information
- Finance and Administration
- Human Resources Development
- Natural Resources Development Planning
- Technical Matters
- Environmental Issues
- Operations.

In addition, there are several sub-committees working on various issues such as basin development planning and water quantity/quality rules.

Each member state has established a National Mekong Committee (NMC), served by a National Mekong Committee Secretariat. The NMCs play a prominent role in the implementation of MRC activities. However, they are established under the national laws of the member states and have no legal basis in the Agreement.

8.7. Decision Making

The decisions of the Council and the Joint Committee are taken unanimously.

8.8. Functions

The MRC implements the objectives of the Agreement, namely, cooperation in all fields of sustainable development, utilization, management, and conservation of the water and related resources of the Lower Mekong River Basin.

The Council has policy and decision-making functions and it settles issues and disputes referred to it by a Council member, the Joint Committee, or any member state on matters arising under the Agreement. In particular, the Council approves the Rules of Procedure of the Joint Committee, rules of water utilization and inter-basin diversions to be proposed by the Joint Committee, the basin development plan, and major component projects/programs.

The Joint Committee prepares plans and rules for approval by the Council, implements the policies and decisions of the Council, and performs such other tasks as may be assigned to it by the Council. In particular, the Joint Committee formulates a basin development plan and joint development projects/programs to be implemented in connection with it. It updates and exchanges information and data necessary to implement the Agreement and carries out appropriate studies and assessments for the protection of the environment and maintenance of the ecological balance of the Mekong River Basin. It prepares and proposes rules for water utilization and inter-basin diversions for approval of the Council. It supervises the activities of the Secretariat and seeks to resolve issues and differences that may arise between regular sessions of the Council, referred to it by any Joint Committee member or member state on matters arising under the Agreement, and when necessary refers the matter to the Council.

The Secretariat services the Council and the Joint Committee under the latter's supervision.

8.9. Information/Notification

On the tributaries of the Mekong River, including Tonle Sap, intra-basin uses, and inter-basin diversions are subject to notification to the Joint Committee.

On the mainstream of the Mekong River:

- During the wet season:
 - intra-basin uses are subject to notification to the Joint Committee, and
 - inter-basin diversions are subject to prior consultation with the aim of arriving at an agreement by the Joint Committee.
- During the dry season:
 - intra-basin uses are subject to prior consultation with the aim of arriving at an agreement by the Joint Committee, and
 - the Joint Committee prior to any proposed diversion shall agree upon any inter-basin diversion project. However, should there be a surplus of water available in excess of the proposed uses by all member states in any dry

season (verified and unanimously confirmed as such by the Joint Committee), an inter-basin diversion of such surplus can be made, subject to prior consultation.

8.10. Funding/Financing

The budget of the MRC is drawn up by the Joint Committee and approved by the Council. The member states contribute to the budget on an equal basis, unless otherwise decided by the Council. The contributions of the member states support the Secretariat. Donor countries and other sources mainly finance the projects.

8.11. Dispute Settlement

The Council has the function to entertain, address, and resolve issues, differences, and disputes referred to it by a Council member, the Joint Committee, or any member state on matters arising under the Agreement.

The Joint Committee seeks to resolve issues and differences that may arise between regular sessions of the Council, referred to it by any Joint Committee member or member state on matters arising under the Agreement, and when necessary refers the matter to the Council. If such efforts are unsuccessful, the issue is to be referred to the governments for resolution by negotiation. By mutual agreement, the governments may request an entity or party to mediate.

8.12. Dissolution/Termination

The Agreement may be terminated by mutual agreement of all the member states.

Any member state to the Agreement may withdraw or suspend its participation by written notice to the Council. Such notice of withdrawal or suspension takes effect one year after the date of acknowledgement of receipt. Such notice shall not relieve the notifying party of any prior commitments made concerning programs, projects, studies, or other recognized rights and interests of any riparian states.

8.13. Remarks

The operational programs of the MRC, prepared by the Joint Committee and approved by the Council, fall under three different categories:

- Core Programs, which focus on core issues and consist of:
 - The Basin Development Plan, which institutionalizes a planning process necessary for the responsible management and sustainable development of the basin resources.
 - The Water Utilization Program, which aims to improve water management.
 - The Environment Program, which establishes monitoring systems, improves policies and legislation, and encourages cooperation among the riparian states.
- The Support Program, which comprises short to medium-term activities and focuses on capacity building.
- Sector Programs, which focus on specific sectors and regional issues. Currently, there are five Sector Programs:
 - fisheries
 - agriculture, irrigation, and forestry
 - water resources and hydrology
 - navigation
 - tourism.

8.14. Additional References

The Water Page (July 16 2002) http://www.thewaterpage.com/mekong_river.htm

9. PERMANENT INDUS COMMISSION (PIC)

9.1. Legal Basis

The Indus Waters Treaty, signed at Karachi on September 19 1960 (entry into force: April 1 1960) (Source: United Nations. 1963. *Legislative Texts and Treaty Provisions Concerning the Utilization of International Rivers for Other Purposes Than Navigation*. United Nations Legislative Series, New York, pp. 300–65)

9.2. Member States

India and Pakistan.

9.3. Geographical Scope

The basic purpose of the Treaty is to apportion the waters of the Indus Basin, consisting of three eastern rivers (the Sutlej, the Beas, and the Ravi) and three western rivers (the Indus, the Jhelum, and the Chenab), including their tributaries and the connecting lakes.

9.4. Legal Personality

The PIC Commissioners enjoy certain diplomatic privileges and immunities.

9.5. Website

Not available.

9.6. Organizational Structure

The Commission consists of two Commissioners, one appointed by India and one by Pakistan. The Commissioners are high-ranking engineers competent in the field of hydrology and water use. Each government determines the status of each Commissioner and their duties and responsibilities to their government. The Commission meets regularly at least once a year alternately in India and Pakistan and it meets when requested by either Commissioner. The Commission determines its own procedures.

9.7. Decision Making

No specific provision.

9.8. Functions

Unless otherwise decided by the member states, the Commissioners represent the member states in all matters arising out of the Treaty. The Commission has the following functions:

- establishing and maintaining cooperative arrangements for the implementation of the Treaty
- promoting cooperation between the member states

- studying and reporting on any problem relating to the development of the waters of the rivers after a joint reference of the governments of both member states
- settling promptly any question arising between the member states
- undertaking periodical inspections of works and facilities.

9.9. Information/Notification

The Commissioners serve as a regular channel of communication, in particular with respect to the monthly furnishing or exchange of information and data as provided for in the Treaty and the giving of notices and responses.

If either member state plans to construct any engineering work which interferes with the waters of the rivers and which, in its opinion, would affect the other member state materially, it will notify the other member state of its plans and supply it with any relevant data relating to the work. If, in the opinion of the planning member state, the work does not materially affect the other member state, it will nevertheless supply the other member state, on request, with the relevant data.

Every year the Commission submits a report on its work to the member states.

9.10. Funding/Financing

Each member state bears the expenses of its Commissioner and their ordinary staff.

In 1960, the Indus Basin Development Fund was set up for the purpose of financing hydraulic works, followed by a supplemental Indus Basin Development Fund in 1964, and a Development Fund for administering the financing of the construction of the Tarbela Dam in 1968. However, no indications have been found that these funds are still active.

9.11. Dispute Settlement

The Commission will examine any question concerning the interpretation or application of the Treaty or the existence of any fact that, if established, may constitute a breach of the Treaty.

In the event that the Commission does not reach an agreement, the Treaty determines the procedure to be followed. Differences and disputes are referred to a Neutral Expert or a Court of Arbitration. The matters to be referred to the Neutral Expert are specified in the Treaty. A separate regulation, appended to the Treaty, specifies the arbitration procedure.

9.12. Dissolution/Termination

The provisions of the Treaty remain in force until terminated by a duly ratified treaty concluded for that purpose between the member states.

9.13. Additional References

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

10. COMISIÓN ADMINISTRADORA DEL RÍO URUGUAY (CARU)(URUGUAY RIVER MANAGEMENT COMMISSION)

10.1. Legal Basis

Treaty on the boundary formed by the Uruguay River, signed at Montevideo on April 7 1961 (information on its entry into force is not available) (Source: CARU, *Documentos y Antecedentes*, 1981).

Statute of the Uruguay River, adopted at Salto on February 26 1975 (Entry into force: September 18 1976) (Source: CARU, *Documentos y Antecedentes*, 1981).

The following instruments have implemented the Treaty and the Statute:

- Statute of the Uruguay River Management Commission, adopted at Guleguaychú on September 18 1976 (entry into force: September 18 1976) (Source: CARU, *Documentos y Antecedentes*, 1981).
- Agreement between Uruguay and the CARU concerning the seat of the CARU, signed at Paysandú on March 5 1979 (entry into force: October 9 1979) (Source: CARU, *Documentos y Antecedentes*, 1981).
- Agreement between Argentina and the CARU concerning the privileges and immunities of the CARU, signed at Buenos Aires on December 30 1980 (information on its entry into force is not available) (Source: CARU, *Documentos y Antecedentes*, 1981).

10.2. Member States

Argentina and Uruguay.

10.3. Geographical Scope

The length and sections of the Uruguay River as specified in the Treaty.

10.4. Legal Personality

The CARU is an international body with legal personality. It has the capacity to enter into contracts, to acquire and dispose of property, and to be a party to legal proceedings. The property and assets of the Commission are exempt from registration, inspection, and duties and charges. The Commission, its delegates, and its employees, enjoy certain diplomatic privileges and immunities.

10.5. Website

<http://www.caru.org.uy> (July 16 2002).

10.6. Organizational Structure

The CARU consists of two delegations. Each delegation consists of five members, who may be assisted by advisers. Six members, three of each member state, form a quorum. The CARU elects – on a rotating basis – one of its members to become President of the CARU for a period of one year. The President is the legal representative of the CARU. The CARU adopts its own bylaws, in which it regulates – among other matters – the frequency of its meetings.

An Administrative Secretary heads the Administrative Secretariat and a Technical Secretary heads the Technical Secretariat. The Secretaries must possess the nationality of one of the member states. They are appointed by the CARU for a three-year period, which can be renewed for another three-year period only once.

A number of subcommissions have been established to deal with the following areas of work:

- navigation
- fisheries and other living resources
- water quality
- bridges
- aerial and sub-fluvial pipe and cable laying
- legal matters
- media and external relations.

10.7. Decision Making

Each delegation, composed of the members present, has one vote. Decisions are taken by unanimity.

10.8. Functions

The functions of the CARU can be summarized as follows:

- Establishing rules concerning:
 - navigation safety
 - conservation and preservation of living resources
 - pilotage
 - prevention from contamination of river waters, and
 - the laying of aerial and sub-fluvial pipes and cables.
- Coordinating the execution of scientific studies and investigations, in particular those related to the survey of the Uruguay River.
- Establishing fish quotas.
- Coordinating with the competent authorities the prevention and repression of unlawful activities.
- Coordinating the realization of plans, manuals, procedures, and communication systems related to search and rescue operations.
- Establishing the legal and administrative regime of joint works and installations, and managing them.
- Settling disputes (see below).
- Performing such other functions as may be determined by the member states.

The Administrative Secretariat assists the Commission on administrative issues. The Technical Secretariat assists the Commission on technical matters and, in particular, carries out the studies, projects, and programs that the Commission entrusts to it.

10.9. Information/Notification

The member state that plans the construction or significant modification of canals or other works and installations that affect navigation, the river regime, or water quality, must communicate such a plan to the CARU. The Commission determines summarily within a period of thirty days whether the plan may cause considerable harm to the other member state. If the CARU establishes the possibility of considerable harm or if it cannot reach a decision, the member state concerned must notify the other member state of the plan through the CARU. The notification needs to include all essential documentation, such as technical data and evaluation reports. After receiving the complete documentation, the other member state has a period of 180 days to reply. The CARU may extend this period. If the other member state concludes within this

period that the plan will cause considerable harm, it will communicate its conclusions, including any suggested modifications, through the CARU to the other member state. Subsequently, the member states will have a period of – again – 180 days to reach an agreement. If an agreement cannot be reached within such period, the procedure for dispute settlement will be followed.

The CARU informs the member states periodically, and at least once a year, on its activities.

10.10. Funding/Financing

The member states contribute to the budget of the CARU on an equal basis. Payments are due within thirty days after notification by the CARU.

10.11. Dispute Settlement

The CARU hears any dispute between the member states concerning the Uruguay River. If the Commission cannot reach an agreement within 120 days, it will notify the member states. These will then proceed with direct negotiations.

Disputes about the interpretation or application of the Treaty or the Statute of the Uruguay River that the member states cannot resolve through direct negotiations will be referred to the International Court of Justice.

10.12. Dissolution/Termination

No specific provision.

10.13. Additional References

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

11. COMISIÓN TÉCNICA MIXTA DE SALTO GRANDE (CTM) (SALTO GRANDE JOINT TECHNICAL COMMISSION)

11.1. Legal Basis

Agreement relating to the utilization of the rapids of the Uruguay River in the Area of Salto Grande, signed at Montevideo on December 30 1946 (entry into force: August 27 1958) (Source: CTM, *Salto Grande: Documentos y Antecedentes*, 1981).⁵

The following instruments have implemented the Salto Grande Agreement:

- Agreement to regulate some operational aspects of the Salto Grande Agreement, approved on December 5 1973 by the Government of Uruguay and on December 20 1973 by the Government of Argentina (information on its entry into force is not available) (Source: CTM, *Salto Grande: Documentos y Antecedentes*, 1981).
- Technical and Administrative Rules of the CTM, approved by the CTM on March 13 1974 (Resolution 1494) (Source: CTM, *Salto Grande: Documentos y Antecedentes*, 1981).
- Agreement between Argentina and the CTM concerning the seat of the CTM, signed at Buenos Aires on April 15 1977 (information on its entry into force is not available) (Source: CTM, *Salto Grande: Documentos y Antecedentes*, 1981).
- Agreement between Uruguay and the CTM concerning the privileges and immunities of the CTM in the territory of Uruguay, signed at Salto on March 6

1979 (information on its entry into force is not available) (Source: CTM, *Salto Grande: Documentos y Antecedentes*, 1981).

11.2. Member States

Argentina and Uruguay.

11.3. Geographical Scope

The CTM deals with all matters relating to the utilization, damming, and diversion of the waters of the Uruguay River in the area of Salto Grande. In practice, the CTM manages the Salto Grande hydroelectric complex on the Uruguay River upstream of the cities of Concordia (Argentina) and Salto (Uruguay).

11.4. Legal Personality

The CTM is recognized as a legal entity in both member states. It has the capacity to enter into contracts and to acquire and dispose of property. The CTM can be a party to legal proceedings. The CTM, its property, and assets, as well as the equipment and machinery for works and installations, are exempt from duties and charges. The CTM and its employees enjoy certain diplomatic privileges and immunities.

11.5. Website

<http://www.saltogrande.org> (July 16 2002).

11.6. Organizational Structure⁶

The CTM consists of an equal number of delegates from each member state. Each member state appoints five delegates and they can be assisted by advisers. The CTM meets at least once a month. Extraordinary meetings can be held on the request of each delegation. A majority of the delegates forms a quorum. The CTM nominates – on a rotating basis – one of its members to become President of the CTM for a period of six months. The President is the legal and administrative representative of the CTM. The CTM draws up its own Rules of Procedure.

An Operations Committee consisting of four members, namely one delegate from each member state, a technical director, and a financial and administrative director, exercises management and executive responsibilities. The Operations Committee functions as the permanent secretariat of the CTM.

The CTM secretariat consists of a number of departments, including a Technical Department and a Finance and Administration Department. The CTM also has a Department of Ecology that carries out environmental studies. A program of permanent environmental monitoring and evaluation is in force. The CTM has the power to establish subcommissions and working groups for study and evaluation purposes.

11.7. Decision Making

The decisions of the CTM are taken by majority vote. In the event of an equally divided vote, the delegations report separately to their governments. The governments will strive to reach an agreement that will be registered and communicated to the CTM, after which the CTM will take the necessary action to implement such agreement. If the member states do not reach an agreement, they will resolve the matter through diplomatic channels. If no settlement is reached by this means, the dispute will be submitted to arbitration.

The Operations Committee takes its decisions by majority vote as well. The vote of its President, to be selected from among its members, is decisive in the event of an equally divided vote.

11.8. Functions

The CTM, being responsible for all matters connected with the utilization, damming, and diversion of the waters of the Uruguay River in the Salto Grande area, has the following functions:

- Designing and executing the joint works and facilities envisaged in the Salto Grande Project for the exploitation of the natural advantages offered by the rapids of the Uruguay River in the area of Salto Grande. The main purposes of the Project are hydroelectric power generation and the improvement of navigation. The Agreement between Argentina and Uruguay to regulate some operational aspects of the Salto Grande Agreement (approved on February 12 1974) defines which works are joint works and which are not, approves the financing plan, and specifies the apportionment of electric power between the member states.
- Managing the works and facilities of the Salto Grande Project after construction. According to the Agreement, the management responsibilities of the CTM are limited in time, and by now they should have been transferred to an interstate agency. In practice, however, the CTM manages the Salto Grande complex/project, which is used not only for power generation and electricity supply to Argentina and Uruguay, but also for water supply, navigation, and recreation purposes.
- Planning the integrated regional development of the area affected by the Salto Grande Project.

In addition, the CTM investigates and reports to the member states on any proposed use or diversion of the waters from the Uruguay River and its tributaries upstream of the dam.

11.9. Information/Notification

In order to fulfill its functions, the CTM may require technical information directly from the governmental authorities in both member states.

11.10. Funding/Financing

The member states pay the salaries and expenses of their own delegates. The cost of the joint works and installations, comprising mainly the dam with its mechanical and electrical generating plant, and of surveys and plans, are shared in a proportion that is equal to the amount of power reserved for each member state. The cost of navigation works and facilities upstream of the dam, are shared in a proportion reflecting mainly the intensity of use of the works and installations.

In addition to the financial resources provided by the member states, the CTM has the power to enter into loan agreements.

11.11. Dispute Settlement

In calls for tenders and in the resulting contracts the parties will submit to the jurisdiction of one member state or the other, as appropriate. This applies to the contracts with financial entities as well.

There is an International Arbitral Tribunal of Salto Grande, which is not provided for in the Treaty. The Tribunal is governed by its Statute and Rules of Procedure approved by the CTM in 1981. According to the Statute, the Tribunal has jurisdiction in the following cases:

- certain labor disputes concerning the staff of the CTM
- non-contractual liability cases
- contractual matters for which no dispute settlement mechanism exists
- any other case that the CTM may refer to the Tribunal.

In all cases, the administrative remedies available under the law of the parties must be exhausted before the Tribunal intervenes. In its decision, the Tribunal must apply the law that is the most appropriate in each case, taking into account:

- the provisions of the contracts
- the rules of the CTM
- the international agreements between the member states.

11.12. Dissolution/Termination

No specific provision.

11.13. Additional References

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

Website of the city Concordia (July 16 2002)

<http://www.concordia.com.ar/eetn1/Salto%20Grande-Un%20ejemplo%20de%20Integración/index.html>

12. COMITÉ INTERGUBERNAMENTAL COORDINADOR DE LOS PAÍSES DE LA CUENCA DEL PLATA (CIC) (INTERGOVERNMENTAL COORDINATING COMMITTEE OF THE RIVER PLATE BASIN COUNTRIES)

12.1. Legal Basis

Joint Declaration of the Ministers of Foreign Affairs of the Countries of the River Plate Basin, signed at Buenos Aires on February 27 1967.⁷

The following instruments have implemented the Joint Declaration:

- Statute of the Intergovernmental Coordinating Committee of the River Plate Basin Countries, adopted at the Second Meeting of the Ministers of Foreign Affairs, held in Santa Cruz de la Sierra, from May 18–20 1968 (as amended) (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>).
- The River Plate Basin Treaty, signed at Brasilia on April 23 1969 (Entry into force: August 14 1970). (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>)
- Agreement between Argentina and the CIC concerning the seat of the CIC, signed on March 22 1973.⁸

12.2. Member States

Argentina, Bolivia, Brazil, Paraguay, and Uruguay.

12.3. Geographical Scope

The River Plate Basin.

12.4. Legal Personality

The CIC and its employees enjoy certain diplomatic immunities and privileges established in the Agreement concerning the seat of the CIC.

12.5. Website

www.cicplata.org.ar (July 16 2002).

12.6. Organizational Structure

The Meeting of Ministers of Foreign Affairs of the member states is the highest body under the River Plate Basin Treaty. It meets once a year on a date to be proposed by the CIC. Extraordinary meetings are held on the request of at least three member states.

The CIC is composed of one representative from each member state. Experts may assist the representatives. The CIC meets at least twice a year in ordinary session. Extraordinary meetings are held on the request of at least three member states or when the Ministers of Foreign Affairs hold an extraordinary meeting. At every meeting, the CIC elects – on a rotating basis – one of its representatives to become President for a period up to the following meeting. The CIC may invite observers who are experts or representatives of international organizations to attend its meetings. The CIC draws up its own bylaws as well as the bylaws of the Executive Secretariat.

The Executive Secretariat is the executive body of the CIC. It also functions as the Secretariat of the Meeting of Ministers of Foreign Affairs. It is headed by an Executive Secretary appointed by the CIC for a period of two years, which can be extended for one more year. The Executive Secretary must have the nationality of one of the member states and is appointed on a rotating basis among the member states. The Executive Secretary can be dismissed by the vote of at least four CIC-representatives.

Each member state appoints a permanent delegate to the CIC. The delegates have a liaison function and follow the activities of the Executive Secretariat.

The CIC proposes and establishes meetings of technical experts and working groups. In addition, the member states establish National Commissions.

12.7. Decision Making

The decisions of the CIC are taken unanimously.

12.8. Functions

The Ministers of Foreign Affairs lay down the basic directives of common policy for the attainment of the objectives of the River Plate Basin Treaty and direct the action of the CIC. The activities and projects under the Treaty focus on:

- facilitating navigation

- conservation and development of animal and plant life
- improving the infrastructure and the economy
- cooperation with respect to education, health, and disease control
- promotion of projects of mutual interest, in particular those relating to the surveying, evaluation and development of the natural resources in the area.

The CIC prepares the meetings of the Ministers of Foreign Affairs and implements the decisions adopted by them. It promotes, coordinates, and follows the progress of activities and projects to ensure the integrated development of the basin, and it formulates a plan of action. It negotiates technical cooperation agreements concerning projects, studies, and investigations, and it coordinates the financing thereof with FONPLATA (see below). The CIC disseminates information on the basin. It instructs and supervises the Executive Secretariat and considers and takes decisions on the latter's proposals.

The Executive Secretariat implements the resolutions and decisions of the Ministers of Foreign Affairs and the CIC. It prepares the meetings of the CIC and assists the technical experts and working groups. It promotes technical and financial cooperation and maintains a documentation center. It maintains a permanent contact with the National Commissions.

The National Commissions serve as focal points for all matters concerning the CIC and the basin.

12.9. Information/Notification

The CIC reports to the Ministers of Foreign Affairs at least once a year on its activities. The National Commissions keep the CIC informed as appropriate.

12.10. Funding/Financing

Each year the member states agree upon their contributions to the annual budget of the Executive Secretariat. Each member state has to pay its annual contribution before June 30 each year.

In 1974, the member states established the Financial Fund for the Development of the River Plate Basin (FONPLATA). The objective of FONPLATA is to finance, within the terms of the River Plate Basin Treaty, studies, projects, programs, and works that promote the integrated development of the basin. The Board of Directors, consisting of five Governors, is the highest body and meets annually when the Ministers of Foreign Affairs hold their annual meeting. The Executive Board of Directors, consisting of five Executive Directors, guides the operations of FONPLATA and meets when appropriate. The Executive Secretariat, headed by an Executive Secretary, is the executive body of FONPLATA.⁹

12.11. Dispute Settlement

No specific provision.

12.12. Dissolution/Termination

The River Plate Basin Treaty remains in force indefinitely. Any member state that wishes to withdraw from the Treaty notifies the other member states of its intention to do so at least ninety days before submitting the formal notice of withdrawal. Such withdrawal will have effect upon the expiry of a period of one year.

12.13. Additional References

International Law Commission. 1976. *Yearbook 1974 (Volume II, Part Two)*. New York, United Nations. 370 pp.
International Monetary Fund (July 16 2002)
<http://www.imf.org/external/np/sec/decco/fonplata.htm>

13. INTERNATIONAL BOUNDARY AND WATERS COMMISSION (IBWC)

13.1. Legal Basis

Boundary Convention, signed at Washington on March 1 1889 (entry into force: December 24 1890) (Source: United Nations, *Legislative Texts and Treaty Provisions Concerning the Utilization of International Rivers for Other Purposes Than Navigation*. United Nations Legislative Series, New York, 1963, pp. 229–31).

Treaty relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington on February 3 1944 (entry into force: November 2 1945) (Source: United Nations, *Legislative Texts and Treaty Provisions Concerning the Utilization of International Rivers for Other Purposes Than Navigation*. United Nations Legislative Series, New York, 1963, pp. 236–58).

13.2. Member States

Mexico and the United States of America

13.3. Geographical Scope

The jurisdiction of the IBWC extends to the border (“limitrophe”) parts of the Rio Grande (Rio Bravo) and the Colorado River, to the land boundary between the member states, and to the works located upon their common boundary. Each member state, however, retains jurisdiction over the works in its territory.

13.4. Legal Personality

The IBWC has the status of international body and consists of a Mexican and a US section. The Commissioners and the staff enjoy certain diplomatic privileges and immunities. All the materials and equipment intended for the construction, operation, and maintenance of works constructed through the IBWC are exempt from import and export customs duties.

The IBWC has succeeded the International Boundary Commission (IBC) established under the 1889 Convention. The responsibilities of the former IBC were limited almost exclusively to the resolution of boundary problems. The 1944 Treaty extended the 1889 Convention indefinitely and extended the remit of the Commission to water issues. The IBWC has retained the duties and powers vested in the former IBC by the 1889 Convention and by other treaties and agreements in force between the member states.

13.5. Website

<http://www.ibwc.state.gov> (The United States section) (July 16 2002).

13.6. Organizational Structure

An Engineer-Commissioner appointed by the respective President heads both the US and the Mexican section. In addition, each section consists at least of two principal engineers, a legal adviser and a secretary as well as such other staff as the respective section deems necessary. The Treaty does not contain any provisions concerning the frequency of meetings of the Commissioners. The proceedings of the IBWC are governed by the 1889 Convention. In addition, the IBWC has established a body of internal rules and regulations to govern its procedure.

The US section currently consists of three departments. The Engineering Department, headed by a Principal Engineer, has divisions for the following activities:

- environmental management
- investigations, design and construction
- technical planning
- program and project management.

The Operations Department, also headed by a Principal Engineer, has divisions for:

- occupational safety and health
- water accounting
- boundary and realty
- operations and maintenance.

The Administration Department, headed by an Executive Engineer, has divisions for:

- budget matters
- information management
- financial services
- general services.

Information on the structure of the Mexican Section is unavailable.¹⁰

13.7. Decision Making

Decisions are taken in the form of "minutes" of the IBWC, which contain recommendations to the member states. Each minute is submitted to the governments of the member states within three days of being signed. Except where the specific approval of the two governments is stipulated in the Treaty, if not approved or disapproved within thirty days, the minute is considered to be approved.

13.8. Functions

The IBWC has the following functions:

- Initiating and carrying out investigations, and developing plans for the construction and establishment of joint boundary and water works.
- Constructing, operating, and maintaining the joint boundary and water works, including international storage dams, reservoirs, and hydroelectric power plants. The works also include stream-gauging stations that provide hydrographical data, necessary for determining the national ownership of the waters.
- Regulating and exercising other rights and obligations assumed by the member states in the Convention and the Treaty for the solution of water and boundary problems, in particular those related to:
 - border sanitation and other water quality problems

- the demarcation of the land boundary
- the protection of lands along the rivers from floods by means of levee and floodway projects
- the preservation of the Rio Grande and Colorado River as the international boundary.
- Jointly reporting to the member states on general or particular matters whenever deemed necessary or when requested by the member states.
- Settling differences between the member states concerning the interpretation or application of the Treaty.

13.9. Information/Notification

The IBWC submits an annual report on its activities to the member states.

13.10. Funding/Financing

Each member state bears the costs and expenses of the activities of its own section of the IBWC.

The costs and expenses of projects for the control and utilization of the natural water resources that are planned, designed, and constructed jointly by the member states, are shared in proportion to the benefits to each member state. The costs and expenses related to the operation and maintenance of the joint works generally are apportioned as agreed upon for the construction.

13.11. Dispute Settlement

The IBWC has the function to settle all differences that may arise between the member states with respect to the interpretation or application of the Treaty, subject to approval of the member states. In the event that the Commissioners cannot reach an agreement, they will inform their respective governments for discussion and adjustment of the difference through diplomatic channels and, where appropriate, for application of general or special agreements between the member states concluded for the settlement of differences.

13.12. Dissolution/Termination

The Treaty remains in force until terminated by another treaty concluded for that purpose between the member states.

13.13. Additional References

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

14. INTERNATIONAL JOINT COMMISSION (IJC)

14.1. Legal Basis

Treaty relating to boundary waters and questions arising between the United States and Canada, signed at Washington on January 11 1909 (Boundary Waters Treaty) (entry into force: May 5 1910).

(Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>)

14.2. Member States

Canada and the United States of America

14.3. Geographical Scope

The boundary waters consist of the lakes, rivers, and connecting waterways (or portions thereof), along which the boundary between the United States and Canada passes, including all bays, arms and inlets thereof, or the waters of rivers flowing across the boundary. Excluded are, first, tributary waters, which in their natural channels flow into the lakes, rivers, and waterways, and second, waters flowing from the lakes, rivers, and waterways.

14.4. Legal Personality

The Treaty does not contain any specific provisions, but the IJC has the power to employ engineers and clerical assistants.

14.5. Website

<http://www.ijc.org> (July 16 2002).

14.6. Organizational Structure

The IJC consists of six members, three on the part of the United States (appointed by the President of the United States), and three on the part of Canada (appointed by the Governor-in-Council of Canada, on the advice of the Prime Minister). The IJC has two permanent sections, one in the United States located in Washington, D.C., and one in Canada located in Ottawa, Province of Ontario. Each section elects one of its members to become section Chair and each Chairperson acts as such at all meetings of the Commission held in the territory of the respective state. Each section has its own secretariat and a small permanent administrative staff. The secretariats communicate directly and work together. The IJC meets twice a year in ordinary session, once in the United States and once in Canada. Subject to a special call or direction of the governments of the member states, extraordinary meetings are held at such times and places in the United States and Canada as the Commission or the Chairpersons may determine.

The IJC adopts its own Rules of Procedure. According to these rules, the IJC may set up Boards equally made up of experts and qualified persons from the United States and Canada. The Boards conduct investigations and studies that may be necessary or desirable and advise and report to the IJC regarding any questions or matters, which have been submitted to them by the Commission.

Apart from the Boards, the IJC is assisted and supported in its work by special Task Forces.

14.7. Decision Making

The IJC takes its decisions by majority vote. If the IJC is evenly divided upon any question or matter presented to it for a decision, the members of the IJC prepare separate reports to their own governments. The governments make an effort to reach an agreement. If they succeed, the agreement will be communicated to the members of the IJC who will take the measures that may be necessary to carry out the agreement.

All matters or questions are considered and determined by the whole IJC, which means all the members whose terms of office have not expired and who are not

prevented by serious illness or other circumstances beyond their control from carrying out their functions. In no event will a decision be made without the concurrence of at least four members.

14.8. Functions

Under the Boundary Waters Treaty, the IJC has three main functions:

- The IJC rules upon applications for any new uses, obstructions, or diversions of boundary waters in either member state that affect the natural level or flow of the waters in the other member state. Governmental works for the benefit of commerce and navigation on either side of the boundary are exempted as long as they do not materially affect the level or flow of the boundary waters.
 - The IJC also rules upon applications for the construction of any works, dams, or other obstructions in rivers that flow from boundary waters, or rivers that flow across the border, if these projects raise the natural level on the other side of the boundary in the upstream member state.
 - Applications must be made to the competent authorities of the member states, which decide to process the application or to transmit it to the IJC for a ruling. The decisions of the IJC on the applications are final and binding. They can be made conditional and may contain provisions for the construction and review of projects and the protection of any other interests involved.
- The IJC examines and reports on specific situations, on a “reference” by both member states. The IJC makes recommendations to the member states on how to address the issues that have been referred to it.
- The IJC decides on any differences jointly referred to it by the member states.

A separate responsibility of the IJC is to oversee the implementation of the Great Lakes Water Quality Agreement, signed at Ottawa on November 22 1978, between Canada and the United States (Entry into force: November 22 1978) (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>). The Agreement has been revised and amended several times and superseded the Great Lakes Water Quality Agreement, signed on April 15 1972. Under the Agreement, the IJC has the responsibility to monitor and assess progress and to advise the member states on matters related to the pollution and quality of the boundary waters of the Great Lakes System. The Agreement also calls upon the IJC to assist the member states with the development and implementation of joint programs and provides for two bi-national boards – the Great Lakes Water Quality Board and the Great Lakes Science Advisory Board – to advise the IJC.

In addition, the IJC has implementation responsibilities under the Air Quality Agreement, signed at Ottawa on March 13 1991, between Canada and the United States (information on its entry into force is not available) (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>). The purpose of this Agreement is to establish an effective way to address shared concerns about transboundary air pollution. The member states will consider joint references to the IJC as may be appropriate for the effective implementation of the Agreement. In particular, the IJC has the responsibility to invite comments, including through public hearings as appropriate, on each progress report prepared by the Air Quality Committee established under the Agreement.

14.9. Information/Notification

As mentioned above, the IJC must be notified, through the governments of the member states, of any planned obstructions, diversions, and other control structures.

According to the Boundary Waters Treaty, the IJC has the power to administer oaths to witnesses and to take evidence on oath whenever deemed necessary in any proceeding or inquiry within its jurisdiction.

Items in the official records of the IJC, such as applications, public notices, statements, and records of hearings are available for public information at the permanent offices of the IJC.

14.10. Funding/Financing

Each member state is responsible for the payment of the salaries and expenses of its commissioners and of the secretariat. The member states contribute on an equal basis to all reasonable and necessary joint expenses of the IJC.

14.11. Dispute Settlement

The IJC has an arbitral function under the Boundary Waters Treaty. In addition, the Air Quality Agreement states that member states may consider submitting a dispute to the IJC, if the dispute is not resolved through negotiation.

14.12. Dissolution/Termination

Each member state can terminate the Boundary Waters Treaty, the Great Lakes Water Quality Agreement, and the Air Quality Agreement by written notice to the other member state. Termination will have effect one year after such notification.

14.13. Remarks

The eight US Great Lakes states have established the Great Lakes Commission to represent them on a variety of environmental and economic issues. The Canadian Provinces of Ontario and Québec used to have observer status, and this was recently upgraded to associate member status. As a result, both Provinces appointed delegates to the Commission for the purpose of participating in meetings and activities.¹¹

14.14. Additional References

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

15. INTERNATIONAL COMMISSION FOR THE PROTECTION OF THE DANUBE RIVER (ICPDR)

15.1. Legal Basis

Convention on cooperation for the protection and sustainable use of the River Danube, signed at Sofia on June 29 1994. It includes the Statute of the ICPDR (entry into force: October 22 1998).

(Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>)

15.2. Member States

Austria, Bulgaria, Croatia, Czech Republic, Germany, Hungary, Moldova, Romania, Slovakia, and Slovenia. The Ukraine has signed but not ratified the Convention yet. The European Union is a party to the Convention.

15.3. Geographical Scope

The Convention applies to the Danube River hydrological basin shared by the member states.

15.4. Legal Personality

The ICPDR has such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes in accordance with the law applicable at the headquarters of its Secretariat, located in Vienna, Austria.

15.5. Website

<http://www.icpdr.org> (July 16 2002).

15.6. Organizational Structure

The Conference of the Parties is the highest body under the Convention. It convenes every few years on the recommendation of the ICPDR to review policy issues concerning the implementation of the Convention. The member state/party whose head of delegation acts as President of the ICPDR also plays the part of Chairperson of the meetings of the Conference. The Conference can pass recommendations or decisions if at least three-quarters of all the member states/parties are present.

The ICPDR consists of delegations. Each member state/party nominates up to five delegates. A number of experts may be appointed to deal with specific problems. The ICPDR convenes in plenary session at least once a year. Extraordinary meetings are held on the request of at least three delegations. A Steering Group, consisting of the Heads of Delegation, the President of the ICPDR, and the Executive Secretary, meets between the meetings of the ICPDR. The ICPDR is chaired by each delegation for a period of one year. The delegation chairing the ICPDR nominates one of its members to become President of the ICPDR. The President represents the organization. The ICPDR adopts its own Rules of Procedure.

For certain fields of work and specific problems the ICPDR establishes permanent or ad hoc Expert Groups. Each contracting party nominates one standing member to the Expert Group, but additional experts can participate. Expert Groups hold at least one meeting per year. Currently, Expert Groups have been established on:

- Emission Issues
- Monitoring, Laboratory, and Information Management
- Accident and Emergency Warning System
- River Basin Management
- Ecology Issues (ad hoc)
- Strategic Issues (ad hoc).

The statute of the ICPDR mentions a Standing Working Group, the formation of which the ICPDR has not decided yet.

A Permanent Secretariat is headed by an Executive Secretary appointed by, and with duties determined by, the ICPDR.

15.7. Decision Making

The Conference of the Parties makes every effort to reach agreement by consensus. If this is not possible, recommendations and decisions are adopted by a four-fifths majority vote. Decisions become binding on the member states/parties that voted for it from the first day of the eleventh month following the date of its adoption. If,

however, the recommendation or decision would have financial implications, the recommendation or decision must be adopted by consensus.

Within the ICPDR, each delegation has one vote. The European Union is entitled to a number of votes equal to the number of its member states, unless the delegations of these member states exercise their voting rights. A quorum requires the presence of the delegations of at least two-thirds of the member states/parties. Decisions are adopted by consensus. If consensus cannot be reached, decisions are taken by a four-fifths majority vote of the delegations present and voting. Decisions become binding on the member states/parties that voted for it from the first day of the eleventh month following the date of adoption.

15.8. Functions

The Conference of Parties provides overall policy guidance.

The ICPDR steers, develops, and coordinates the implementation of the Convention. This provides for cooperation in the field of water protection and water use as well as the strengthening of domestic and international measures to prevent, control, and reduce the transboundary impact from the release of hazardous substances and nutrients into the aquatic environment. The ICPDR elaborates proposals and recommendations addressed to the member states. The plenary meeting approves the annual work program and the budget, while the Steering Group provides for the management and coordination of activities. The ICPDR discharges its stewardship functions through the Expert Groups, which report and submit their recommendations and proposals to the Commission.

The Executive Secretary performs the functions necessary for the administration of the Convention and the work of the ICPDR.

15.9. Information/Notification

The member states have the obligation to provide the ICPDR information on the following:

- Planned activities that are likely to cause transboundary impacts.
- The existence, conclusion, amendment, or withdrawal of bilateral and multilateral agreements and treaties regulating the protection and management of the basin.
- The laws, ordinances, and other general regulations concerning the protection and management of the basin.
- Reports and documents foreseen in the Convention or requested by the ICPDR.
- Arrangements (including a time-frame and a budget), for implementing action-oriented decisions at the domestic level, such as recommendations, programs, and measures.
- The institutions to be contacted for cooperation.

The member states exchange information on the following:

- the general conditions of the environment within the catchment area of the river Danube
- experience gained in the application and operation of techniques, and results of research and development
- emissions and monitoring data
- measures taken, and those planned to be taken, to prevent, control, and reduce transboundary impacts
- regulations for wastewater discharges
- accidents involving substances hazardous to water.

Following the exchange of information, the member states concerned enter into consultations on planned activities that are likely to cause transboundary impacts. As a rule, the consultations are carried out within the framework of the ICPDR, with the aim of achieving a solution.

In addition, the member states transmit to the ICPDR the results of complementary or joint scientific or technical research, the access to which is open to public authorities, as well as relevant parts of other programs of scientific and technical research.

Within the framework of the ICPDR, the member states inform each other about points of contact in case of emergency events. The competent authorities concerned inform these contact points and the ICPDR when a sudden increase of hazardous substances in the Danube River Basin is identified or when an accident occurs that is likely to cause serious impact on the water quality of the Danube River and to affect downstream member states.

The Convention contains a special provision on the confidentiality of information to be observed by the member states/parties.

15.10. Funding/Financing

Each member state pays the expenses of its delegates and experts to attend the meetings. The ICPDR adopts an annual or biennial budget, which the member states contribute to on an equal basis. The European Union contributes no more than 2.5 percent of the administrative costs. Specific rules provide for timely payment by the member states/parties. The ICPDR has adopted its own Financial Rules, which contain additional provisions concerning the budget and auditing of the accounts.

15.11. Dispute Settlement

A dispute between two or more member states about the interpretation or application of the Convention is settled by negotiation or any other means of dispute settlement acceptable to the member states, if appropriate with the assistance of the ICPDR.

If the member states are not able to settle the dispute within a reasonable time, but not more than twelve months after the ICPDR has been notified about the dispute by a member state, the dispute will be submitted for compulsory decision either to the International Court of Justice, or to arbitration in accordance with the procedure appended to the Convention

15.12. Dissolution/Termination

Any member state can withdraw from the Convention by written notice after five years from the date on which the Convention came into force with respect to that member state. The withdrawal takes effect one year after the date of receipt of such notice.

15.13. Remarks

Recently, the ICPDR adopted a Joint Action Program for the Danube River Basin (2001–2005). The Program defines large-scale, integrated measures and is directed towards:

- improvement of the ecological and chemical status of the water in the basin
- prevention of accidental pollution events
- minimization of the impacts of floods.

The Joint Action Program places special importance on the coordinating role of the ICPDR in the development of a unified River Basin Management Plan (RBMP) based on the plans of the member states. To this end, the ICPDR will coordinate the exchange of information and the analysis of the characteristics of the basin, review the effect of human activities on the status of the basin waters, and perform an economic analysis of the water use in the basin.

16. INTERNATIONAL COMMISSION FOR THE PROTECTION OF THE RHINE (ICPR)

16.1. Legal Basis

Convention on the Protection of the Rhine, signed at Berne on April 12 1999 (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

Upon its entry into force (see below), the Convention will repeal the Convention on the International Commission for the Protection of the Rhine against Pollution, signed at Berne on April 29 1963, and the Convention for the Protection of the Rhine against chemical pollution, signed at Bonn on December 3 1976.

16.2. Member States

Germany, France, Luxembourg, the Netherlands, and Switzerland. The European Union is a party to the Convention.

Four of the member states and the European Union have ratified the Convention. The last member state, France, is expected to ratify the Convention at the end of 2002. The Convention will enter into force on the first day of the second month following the receipt of the last ratification by the Government of Switzerland.

16.3. Geographical Scope

The Convention applies to:

- the Rhine
- groundwater interacting with the Rhine
- aquatic and terrestrial ecosystems that interact or could again interact with the Rhine
- the Rhine catchment area, insofar as its pollution by noxious substances adversely affects the Rhine
- the Rhine catchment area, insofar as it is of importance for flood prevention and protection along the Rhine.

16.4. Legal Personality

The ICPR has legal personality. It enjoys the legal capacity conferred on legal persons in the member states. The law of Koblenz, Germany (being the member state in which the ICPR has its seat) governs questions of labor legislation and social matters.

The ICPR has succeeded the International Commission for the Protection of the Rhine against Pollution established under the 1963 Convention (see Remarks).

16.5. Website

<http://www.iksr.org/icpr/> (July 16 2002).

16.6. Organizational Structure

Occasionally, the member states and the European Union meet on a ministerial level to discuss developments (Conference of Rhine Ministers). However, the Conference is not recognized as such by the Convention.

The ICPR consists of delegations of the member states and the European Union. Experts can assist the delegations. There is no rule for the number of delegates. The ICPR is chaired by each delegation for a period of three years. The delegation chairing the ICPR nominates one of its members to become Chairperson (or "President" according to the Rules of Procedure) of the ICPR. The Chairperson represents the organization. The ICPR meets once a year in ordinary plenary session. Extraordinary meetings are held on request of the Chairperson or of at least two delegations. The ICPR establishes working groups and decides on their mandate. The ICPR also establishes the mandate of the Coordination Group (see below). The ICPR drafts its own Rules of Procedure and Financial Regulations.

The ICPR, its Coordination Group, and working and project groups are supported by a secretariat. The Chairperson (or "President") of the ICPR is in charge of the secretariat. According to the Convention, the secretariat is headed by an executive secretary appointed by the ICPR. According to the Rules of Procedure, a Secretary General appointed by the ICPR is responsible for the work and management of the secretariat.

Decisions of the ICPR are prepared by various groups, which consist of national senior officials and experts:

- The Coordination Group coordinates the tasks of the ICPR and prepares the decisions to be taken. It also decides on the establishment of project groups and on their mandates.
- Three permanent working groups are in charge of, respectively, water quality, ecology, and emission matters. The working groups do the preliminary work for the Coordination Group and report to the latter.
- Currently, there is one project group at work, which coordinates the formation and implementation of a flood defense plan.

16.7. Decision Making

The decisions of the ICPR are taken unanimously. Each delegation has one vote. Abstention of only one delegation does not constitute an impediment to unanimity. However, this rule does not apply to the delegation of the European Union. Absence of a delegation is considered an abstention.

The European Union does not vote where its member states vote. If measures to be carried out by the member states fall within the competence of the European Union, the latter is entitled to the number of votes equal to the number of its member states that signed and ratified the Convention.

The ICPR communicates its decisions to the member states in the form of recommendations. Decisions taken by the Commission are not legally binding. Implementation of the decisions is the responsibility of the member states.

16.8. Functions

The ICPR has the following functions:

- preparing international monitoring programs and analyses of the Rhine ecosystem
- elaborating proposals for different measures and programs of measures
- coordinating the member states' warning and alert plans for the Rhine

- evaluating the effectiveness of the measures decided upon
- carrying out any other task entrusted to it by the member states.

16.9. Information/Notification

In the event of incidents or accidents that may threaten the quality of the water or in the event of imminent flooding, the member states have an obligation to immediately inform the ICPR and the affected member states, in accordance with the warning and alert plans coordinated by the ICPR.

The member states report regularly to the ICPR on the legislative, regulatory, and other measures that they have taken based on the decisions of the ICPR.

The ICPR submits an annual activity report to the member states and informs the public on the state of the Rhine and the results of its work.

Pursuant to the Convention on the protection of the Rhine against pollution by chlorides, signed at Bonn on December 3 1976 (entry into force: July 5 1985) (Source: FAO, *Treaties Concerning the Non-Navigational Uses of International Watercourses: Europe*. Legislative Study 50, Rome, 1993, pp. 29–36), each member state provides the ICPR with an annual report on concentrations of chloride ions in the Rhine waters. If a member state notes a sudden rise in the amount of chloride ions in the Rhine waters, or learns of an accident likely to endanger seriously the quality of the waters, it will immediately inform the ICPR and the member states that may be affected.

16.10. Funding/Financing

Each member state is responsible for the costs of its representation in the ICPR and bears the costs of studies and actions it carries out within its territory.

Pending the entry into force of the 1999 Convention, the apportionment of contributions to the annual operating budget of the ICPR is defined by the 1963 Convention as follows:

Germany	24.5%
France	24.5%
Luxembourg	1.5%
The Netherlands	24.5%
European Union	13.0%
Switzerland	12.0%

However, upon the entry into force of the 1999 Convention, the apportionment will be as follows:

Germany	32.5%
France	32.5%
Luxembourg	2.5%
The Netherlands	32.5%
European Union	2.5%
Switzerland	12.0%

The Financial Regulations of the ICPR contain specific rules on the budget, including the election of two auditors (for a period of two years), who control the budget administration and audit the annual statement of the accounts.

16.11. Dispute Settlement

Any dispute between the member states regarding the interpretation or application of the Convention will be resolved through negotiation or any other form of dispute settlement. If the dispute cannot be settled in this manner, it will be resolved through arbitration in accordance with a special procedure, appended to the Convention.

16.12. Dissolution/Termination

Any member state can withdraw from the Convention by written notice upon the expiry of a period of three years after the Convention has come into force. Such withdrawal takes effect only at the end of the following year.

16.13. Remarks

Although the 1999 Convention has not yet come into force, the ICPR already carries out its tasks based on the new Convention and its activities go far beyond water pollution. The working field of the ICPR has broadened to integrated water management, including water quality and quantity, flood protection, groundwater, and ecological matters. At present, the significance of the 1963 Convention is limited to the apportionment of the financial contributions of the member states and the European Union to the operating budget of the ICPR.

Recently, the program "Rhine 2020" has been adopted, which sets the objectives for the sustainable development of the Rhine for the next twenty years. The future Rhine protection policy focuses on:

- further improvement of the Rhine ecosystem
- protection of groundwater
- improvement of flood prevention and protection
- continued monitoring of the state of the Rhine
- improvement of the water quality in the river.

17. FINNISH–NORWEGIAN BOUNDARY WATERS COMMISSION

17.1. Legal Basis

Agreement on the establishment of a Finnish–Norwegian boundary waters commission, signed at Helsinki on November 5 1980 (no information on its entry into force is available) (Source: FAOLEX database <http://faolex.fao.org/faolex/index.htm>).

17.2. Member States

Finland and Norway.

17.3. Geographical Scope

The border watercourses consisting of those parts of the rivers Rajajoki, Skietshamjokka, Enare, and Tana along which the borderline runs and all rivers, lakes, and tributaries crossed by the borderline.

The jurisdiction of the Commission extends to all watercourses of which the border watercourses form a part, if measures may have a detrimental effect on these border watercourses.

17.4. Legal Personality

No specific provision.

17.5. Website

No website available.

17.6. Organizational Structure

The Commission consists of two delegations, each delegation consisting of three members as well as three deputy members. Each member state appoints an expert in water administration and an expert who is well acquainted with the conditions in the border area. The regional administrative authorities elect the third member of the delegation. The chair of the Commission rotates annually between the member states. Each member state appoints a secretary. The Commission, including the deputy members and both secretaries, meets at least once a year. Extraordinary meetings are held on the request of the Chairperson or of a delegation.

17.7. Decision Making

No specific provision.

17.8. Functions

The Commission is the instrument of cooperation between the member states in questions concerning border watercourses. The Commission makes proposals, takes initiatives, gives statements on all questions concerning the border watercourses, and formulates joint recommendations to the member states. Prior to the ratification of the Agreement, the member states had concluded several other agreements concerning specific aspects of border watercourses. These agreements will remain in force, but the Commission has the right to propose amendments to the provisions of these agreements.

17.9. Information/Notification

No specific provision.

17.10. Funding/Financing

Each member state pays the costs of its own delegation. Additional costs are shared on an equal basis.

17.11. Dispute Settlement

No specific provision.

17.12. Dissolution/Termination

Each member state can terminate the Agreement by notification. Termination will have effect at the beginning of the calendar year, two years after the date of notification.

17.13. Additional references

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

Finnish Ministry of Environment (July 16 2002)

<http://www.vyh.fi/kvasiat/rajavesi/netusivu.htm>

18. FINNISH–SWEDISH FRONTIER RIVER COMMISSION

18.1. Legal Basis

Agreement concerning Frontier Rivers, signed at Stockholm on September 16 1971 (entry into force: January 1 1972) (Source: FAO, *Treaties Concerning the Non-Navigational Uses of International Watercourses: Europe*, Legislative Study 50, Rome, 1993, pp. 186–215).

18.2. Member States

Finland and Sweden.

18.3. Geographical Scope

The area covered by the Agreement comprises the rivers Könkämä and Muonio and the part of the River Tornio and the lakes through which the Finnish–Swedish frontier runs. The area includes the tributaries of these rivers as well as the part of the Gulf of Bothnia lying between the Finnish and Swedish parishes of the Lower Tornio.

18.4. Legal Personality

No direct provision. However, the Commission can institute inquiries and investigations, enter into direct contact with the authorities of either member state, and employ the services of experts for special investigations. The members and staff of the Commission enjoy certain diplomatic privileges and immunities. The property of the Commission is exempt from all customs formalities as well as import and export duties.

18.5. Website

Not available.

E-mail: gransalvs.kom@telia.com

18.6. Organizational Structure

The Commission consists of six members (three from each side). Each member state appoints a legal expert with experience as a judge, a technical expert, and an expert with knowledge of the conditions in the frontier areas. The Commission appoints a secretary and employs such other staff as necessary. The governments of the member states alternately nominate one of their members to serve as Chair of the Commission for a period of one year. The Chairperson directs and supervises the preparation of cases of application (see below) and administrative matters. The secretary assists in the preparation of cases and other matters. The Agreement contains no specific provisions concerning the Commission's meetings. An Internal Statute regulates the functioning and operation of the Commission.

18.7. Decision Making

Decisions that involve the granting of permits are taken with a qualified majority, which is made up of at least two members from each member state. If there is no majority available, the matter is referred to the governments of the member states for decision. However, when cases involve compensation for the use of property, loss, damage, or inconvenience, decisions are taken by a majority of the members from the member state where the property is situated or where the loss, damage, or inconvenience has occurred.

Decisions of the Commission are final in cases concerning the granting of permits. In matters of compensation, appeal can be made to the supreme Water Rights Court of the member state concerned.

Within the limits of its authority, the decisions of the Commission are binding on the national water administrations of the parties. The national water authorities are obliged to hand over their responsibility to the Commission if a matter comes under its jurisdiction.

18.8. Functions

The principal function of the Commission is the handling of permit applications and the award or refusal of permits for works that may cause damage or result in changes in the aquatic environment in the area subject to its jurisdiction. In particular, the Commission deals with permits for water regulation works, hydraulic construction works, and works that may cause pollution.

Other functions of the Commission are controlling the use of the frontier water systems and monitoring the water conditions. In addition, the Agreement contains specific rules for the supervision of fisheries. The Commission has wide powers in the implementation of necessary research and inspection procedures. The Commission can institute investigations and issue regulations concerning the supervision by appointed experts.

18.9. Information/Notification

The Commission can enter into direct contact with the authorities of either member state in order to obtain necessary information and arrange for consultations.

The Agreement provides for the obligation to notify the Commission of any undertakings that may cause damage or result in changes in the aquatic environment. The person carrying out operations, which the Commission fears to be contrary to the Agreement, is bound to provide the Commission on its request with the necessary information.

The Agreement contains a specific provision on the confidentiality of information to be observed by the persons taking part in the supervisory activities of the Commission under the Agreement.

18.10. Funding/Financing

Each member state is responsible for the payment of salaries of its Commission members. In addition, each member state pays and equips its own supervisory personnel. Other costs of the Commission's work that cannot be regarded as expenditure by only one member state are shared equally.

The secretary is responsible for the administration of the Commission's funds and delivers a report to the Commission every six months. The Commission decides on the final division of the costs between the member states after examination of the report.

18.11. Dispute Settlement

Any dispute between the two member states concerning the interpretation and application of the Agreement will be settled in accordance with the Convention concluded between Finland and Sweden on June 27 1924 concerning the establishment of a permanent Commission for investigation and conciliation.

18.12. Dissolution/Termination

Either member state can terminate the Agreement by written notice. Upon such notice, the member states will enter into negotiations on the continued existence of installations extending across the frontier that have been built pursuant to the Agreement. Termination will have effect at the end of the year falling two years after the notice.

18.13. Remarks

Reportedly, the member states have decided to modify the Agreement.¹²

18.14. Additional References

International Law Commission. 1976. *Yearbook 1974 (Volume II, Part Two)*. New York, United Nations. 370 pp.

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

19. JOINT FINNISH-RUSSIAN COMMISSION ON THE UTILIZATION OF FRONTIER WATERCOURSES

19.1. Legal Basis

Agreement concerning frontier watercourses, signed at Helsinki on April 24 1964 (entry into force: May 6 1965) (Source: FAO, *Treaties Concerning the Non-Navigational Uses of International Watercourses: Europe*, Legislative Study 50, Rome, 1993, pp. 226–32).

19.2. Member States

Finland and Russia.

19.3. Geographical Scope

The lakes, rivers, and streams intersected by the frontier line or along which the frontier line runs.

19.4. Legal Personality

No specific provision.

19.5. Website

Not available.

19.6. Organizational Structure

The Commission consists of six members (three from each side) to be appointed by the member states. In addition, each member state appoints a secretary as well as any necessary experts. At the meetings of the Commission, the chair will be held alternately by a member of the Commission appointed to that function by each member state. The Agreement contains no specific provisions on the frequency of the Commission's meetings. The Commission adopts its own Rules of Procedure.

19.7. Decision Making

The Commission can act on its own initiative or on instruction of the member states, which can refer a matter to the Commission for its decision or opinion.

Unanimously adopted decisions of the Commission become binding on the member states and have the same force of law as a decision of their national authorities, unless either member state objects to the decision within two months. In its decision, the Commission can determine how proposed measures must be carried out. If under the law of either member state permission must be obtained from the competent authorities for construction works or other measures, the Commission shall request the opinion of said authorities before taking a decision.

However, if a certain measure may have significant effects in the territory of the member states or if the Commission fails to reach a decision, the matter is referred to the governments of the member states for consideration.

19.8. Functions

The Commission examines and deals with matters relating to the utilization of frontier watercourses and other measures, the negative consequences of which can be felt in the territory of either member state (such as water pollution and flooding). In addition, the Commission monitors the water conditions in the frontier area and ensures that the Agreement is complied with. Specific areas of concern include fisheries and timber floating.

19.9. Information/Notification

Measures that may have negative consequences must be notified to the government of the other member state, which, within two months after such notice, makes the necessary observations. The member states may agree to refer the matter to the Commission for decision or opinion.

The competent authorities of both member states provide the Commission, at its request, with such information and explanation as required and assist the Commission and those employed by it in carrying out the work covered by the Agreement.

19.10. Funding/Financing

No specific provision.

19.11. Dispute Settlement

The Commission settles any differences of opinion about the interpretation or application of the Agreement. If the Commission fails to reach an agreement, a Joint Board consisting of two members appointed by the government of Finland and two members appointed by the Russian government will settle the differences. If the Joint Board fails to reach an agreement as well, differences will be settled through the diplomatic channels.

19.12. Dissolution/Termination

The Agreement is valid for ten-year periods. Either member state can decide to terminate the Agreement not later than one year before the expiration of the then applicable ten-year period.

19.13. Additional References

International Law Commission. 1976. *Yearbook 1974 (Volume II, Part Two)*. New York, United Nations. 370 pp.

United Nations. 1983. *Experiences in the Development and Management of International River and Lake Basins: Proceedings of the United Nations Interregional Meeting of International River Organizations, Dakar, Senegal, May 5–14 1981*. New York, United Nations. 424 pp.

NOTES

1. From Potential Conflict to Cooperation Potential: Water for Peace (Prevention and Resolution of Water-Related Conflicts in the Context of Integrated Water Resources Management). Contribution of UNESCO and Green Cross International to the World Water Assessment Programme (WWAP).
2. Unofficial translation from Arabic into English; the exact date and place of adoption/signing are not available.
3. The text of the Minutes was not available at the time of writing. (July 2002).
4. The text of this Convention was not available at the time of writing.
5. The entry into force resulted in the abrogation of an "Additional Protocol," which had been in force since January 28 1947. The purpose of this Protocol was to keep in existence a Joint Technical Commission set up by an earlier agreement in 1938. The Joint Technical Commission established in the Agreement of 1946 replaced this Commission.
6. Information has been requested from the CTM about its exact organizational structure. The information on the website is limited.
7. The text of the Joint Declaration was not available at the time of writing.
8. The text of the Agreement was not available at the time of writing.
9. Additional information can be obtained from www.fonplata.org (July 16 2002).
10. Information has been requested to the Mexican section, but no information has been received at the time of writing.
11. Additional information can be obtained from <http://ww.glc.org> (July 16 2002).
12. More information can be obtained from the Swedish Ministry of Environment (kjell.svensson@environment.ministry.se) or from the Finnish Ministry of Forestry and Agriculture (kai.kaatra@mmm.fi).

Index headings: water (management), freshwater (management), institution , framework, basin, lake, aquifer, treaty , convention , (international) agreement, (equitable) utilization or allocation, (water) pollution, dispute settlement, transboundary waters

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Constitution of UNESCO (excerpt)

London, 16 November 1945

The Governments of the States Parties to this Constitution on behalf of their peoples declare:

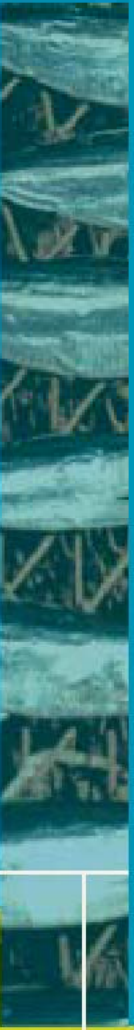
That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

That ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;

That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind...



International
Hydrological Programme



World Water
Assessment Programme
www.unesco.org/water/wwap