



## Register of International Rivers: A Personal Reflection

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**ABSTRACT** *The issue of management of international rivers has proven to be a difficult subject to deal with at major international fora. Even though the subject has become increasingly important since the 1970s, international organizations are conspicuous by their absence in this area in terms of playing an active role in facilitating operational agreements. The paper briefly reviews developments in this since 1972. It provides a historical background to how the Register of International Rivers was prepared in 1976 and published in 1978. This document is widely quoted, but one would be hard pressed to identify a single reference in recent years that is correct. This probably indicates that very few people have actually read it, but are quoting the text from secondary and tertiary sources.*

The issue of sustainable management and development of international rivers and lakes has not been an easy subject to deal with at major international fora. While there are many reasons for this uneasiness, probably the two most important reasons for this are the issue of national sovereignty, and the absence of agreement on the management of the vast majority of international freshwater bodies.

The first reason, national sovereignty, is a most important political consideration at the country level, and nearly all nation-states jealously guard their sovereign powers to manage activities within their own borders. Thus, not surprisingly, the overall discussions on the management of international rivers and lakes have often been not smooth because of national sovereignty questions. For example, during the United Nations Conference on the Human Environment, held in Stockholm in 1972, Brazil took a very strong stand on the discussions on the management of shared natural resources because of national sovereignty considerations. The word 'shared' in this context meant natural resources that are shared by two or more countries. A very important concern for the Brazilian Government at that time was forest-related issues. The country was most concerned that through the use of international resolutions at the United Nations on shared resources, the country may be forced to take decisions on its Amazon region, which may pre-empt certain future national activities in the area, irrespective of the importance of such activities to the national interest. Brazil continued to take a strong stand against such international discussions during the entire 1970s and part of the next decade. Accordingly, the resolution on shared natural resources in Stockholm had to be watered down significantly

to ensure unanimous agreement. Thus, Principle 21 of the Stockholm Conference finally read:

... states have ... the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibilities to ensure that the activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

Because many countries strongly opposed discussions on the management of shared resources because of perceived national self-interests, the various United Nations organizations have basically stayed away from serious considerations of management of international rivers. To the extent that the discussions took place, these were mostly on 'non-threatening' issues: mutual collaboration, information exchange, expert group meetings, etc. Not surprisingly, in spite of a considerable amount of resources being spent, there was no real progress in this area during the 1970s and 1980s.

The second reason is perceived national self-interests of the countries concerned on countless international rivers and lakes on which operational treaties do not exist at present. The word 'operational' in this context is worth noting since some treaties, such as the one on the Lower Mekong, may be a step in the right direction but are of very limited use since they do not address the complex but important issue of water allocation between the riparian countries in any form. Thus, many countries which are currently negotiating treaties on international rivers with their co-basin counterparts often feel that they would prefer to resolve the problems on the basis of bilateral or multilateral negotiations, rather than through an international legal regime. They prefer not to be constrained by international norms or guidelines, which may reduce their degree of manoeuvrability. Accordingly, they either take a strong stand against such norms or abstain from the discussions or voting. Behind the scenes, however, they often make their views known to the staff members of international organizations in no uncertain terms. These organizations, in turn, mostly decide to play safe and not take any risk by taking a leadership position, which may not please certain countries. Regrettably, the institutions for the most part have become increasing risk-averse in recent years, as a result of which real progress in this area has been slow.

In retrospect, one unfortunate incident further reduced the role the UN system could have played in the area of international rivers. When the UN made a decision to hold the first ever high-level intergovernmental Water Conference in Mar del Plata, Argentina, in March 1977, it appointed a Secretary-General to organize this historic meeting who had no background in or expertise on water. Not surprisingly, a year before the Conference was to take place, it became increasingly clear that the Conference was likely to be a non-event. Thus, a new Secretary-General was appointed less than one year before the Conference. He was Yehia Abdel Mageed, the then Minister of Irrigation of Sudan. A most remarkable water expert and a very skilled statesman, Mageed completely changed the landscape, even though by that time much of the funds allocated to the Secretariat for the Conference were already spent or committed to specific activities. The fact that the Mar del Plata Conference was a remarkable success owed much to the foresight and leadership of Mageed, and a few of his able deputies such as Enzo Fano, all of whom were interested in international rivers.

Unfortunately, however, by the time Mageed was appointed, few funds were available to initiate new activities. In addition, an implicit policy decision had already been taken by the Conference Secretariat not to make any major effort in the area of international rivers because this could be 'controversial'. Thus, the issue did not receive as much attention as it deserved at Mar del Plata. In a retrospective analysis of the Water Conference, Mageed confirmed that, in his view, this issue should have been discussed more extensively.

It was in the spring of 1976 that Mageed approached Mostafa Kamal Tolba, the then Executive Director of the United Nations Environment Programme, for some financial and intellectual support for the Water Conference. At that time, I was Director in the Department of the Environment of the Government of Canada, and also the Senior Scientific Adviser to Dr Tolba. One day, I received a request from Tolba to fly to New York to discuss some issues with him, and also to meet the new Secretary-General, Mageed.

Tolba and Mageed were old friends (Tolba was a Minister in Egypt, prior to his appointment at UNEP). During this meeting, Mageed asked me if I could spend some time advising him and also assisting him with the drafting of the Mar del Plata Action Plan. Tolba explained that my advisory services to Mageed, should I so agree, would be one of UNEP's contributions to the Water Conference. I accepted this request without any hesitation.

The Secretariat of the UN Water Conference was linked to the Centre for Natural Resources, Energy and Transport (CNRET), now a defunct UN body. In late summer 1976, during a brief visit to New York, I had extensive discussions with Alagappa Alagappan, a senior CNRET officer. One of the subjects was international rivers. I pointed out that our knowledge on the subject was so limited that we did not even know how many international rivers existed in the world. Alagappan informed me that during the previous summer CNRET had hired a graduate student to study the maps available in the UN Map Library, and prepare a preliminary inventory of international rivers. Alagappan asked me if I could take a look at this draft and see what could be done with it, especially in terms of publication. I found the draft most interesting.

When the UN Water Conference took place, Robert Maxwell, the late British publishing tycoon and at that time Chairman of Pergamon Press, decided to use the occasion to launch a new water journal, entitled *Water Supply and Management*. The first issue of this journal was remarkable in the sense that it had no Editor or Editorial Board.

In late spring 1977, at a reception at the Kenyan Parliament in Nairobi, Robert Maxwell approached me and asked me if I could accept the editorship of this new journal, and also start a water book series with Pergamon Press. This I agreed to. Immediately upon my acceptance of the editorship, I decided to publish the CNRET study as a special issue of this new journal because I thought the information contained in this report, even though the resources used to prepare it were minor, would be of interest to many people all over the world. Looking back, this proved to be a correct surmise.

The results of this study were universally accepted. Unfortunately, many scholars do not appear to have read the report carefully, and the figures have been quoted and requoted so many times during the past 20 years that these estimates were accepted as facts without any question. Clearly, however, most of these quotations were from tertiary sources, even though the authors gave no

hint of this since in recent years I have not seen a single reference to the CNRET study that is correct!

In the late 1980s, I suggested to Tolba that we should revisit the analysis. While his personal reaction was most favourable, some of his senior staff members decided to oppose the study for a variety of reasons. The 'official' view was that it was not necessary. Accordingly, this study was never done.

Some time ago, Reizo Utagawa, the Managing Director of the Nippon Foundation, Tokyo, agreed to support a major study on the state of the world's waters. Almost simultaneously, Aaron Wolf mentioned to me that he would like to conduct such a study. It was a most fortuitous coincidence. I promptly requested Dr Wolf to do the study as part of the Nippon Foundation-assisted study on global water assessments on behalf of the International Water Resources Association and the Third World Centre of Water Management.

The study contained in this volume is the work carried out by Dr Wolf and his colleagues on this subject. I have no doubt that, like the earlier CNRET study, this will be the most definitive report on the subject for at least the next decade, if not longer. However, unlike the CNRET report, I hope that my colleagues in the water profession not only read this report carefully but also give a proper and accurate citation of this study.