

Code No.	List of Instruments	Entry into force	Number of States parties	
			(Total)	(Members of AALCC)
20	Convention on the Political Rights of Women (1953)	7.7.1954	102	21
21	Convention on the Nationality of Married Women (1957)	11.8.1958	60	11
22	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage (1962)	7.12.1964	40	4
23	Convention on the Elimination of All Forms of Discrimination against Women (1979)	3.9.1981	121	25
24	Convention on the Rights of the Child (1989)	2.9.1990	131	24

(b)

Member States	Code Number of the Instruments as used in Table One																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Oman						*					*									*				*
Pakistan					*	*	*	*	*	*	*	*	*	*	*	*				*	*	*	*	*
Philippines	*	*	*		*	*	*													*			*	*
Qatar				*			*					*		*	*	*				*			*	*
R.Korea	*	*	*				*				*	*								*			*	*
Saudi Arabia				*	*	*	*		*		*	*	*	*	*					*	*		*	*
Senegal	*	*	*		*						*	*		*	*					*	*		*	*
Sierra Leone											*	*		*	*									
Singapore					*	*				*					*	*					*		*	*
Somalia	*	*	*		*	*	*				*	*	*								*		*	*
Sri Lanka	*	*			*	*	*				*	*		*	*									*
Sudan	*	*			*	*	*	*			*	*	*							*	*		*	*
Syria	*	*			*	*	*	*			*	*		*	*					*	*		*	*
Tanzania																				*			*	*
Thailand								*		*	*	*		*	*					*	*		*	*
Turkey					*	*	*			*	*	*		*	*			*		*	*		*	*
Uganda	*				*	*																		
UAF					*	*		*	*	*	*		*	*	*					*	*	*	*	*
Yemen	*	*			*	*		*	*	*	*		*	*	*					*	*	*	*	*

Table Two : Specific Status in Reference to AALCC Member States

Member States	Code Number of the Instruments as used in Table One																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Bahrain					*	*		*			*	*												
Bangladesh					*	*					*	*	*										*	*
Botswana					*									*	*	*								
China					*	*		*		*				*	*								*	*
Cyprus	*	*	*		*					*	*	*	*	*	*				*		*	*		*
D.P.R. Korea	*	*					*	*																*
Egypt	*	*			*	*	*	*		*	*	*	*	*	*			*	*	*			*	*
Gambia	*	*	*		*	*		*	*					*	*									*
Ghana					*	*	*	*				*		*	*					*	*		*	*
India	*	*			*	*	*	*	*		*	*	*							*				*
Indonesia																				*			*	*
Iran	*	*			*	*	*	*			*			*	*									
Iraq	*	*			*	*	*	*			*	*	*										*	
Japan	*	*											*	*	*					*			*	
Jordan	*	*			*		*	*		*	*	*	*							*	*	*	*	*
Kenya	*	*						*						*	*								*	*
Kuwait					*	*					*	*	*											
Libya	*	*	*		*	*	*	*	*	*	*	*	*			*	*			*	*		*	
Malaysia											*										*			
Mauritius	*	*	*		*		*	*		*	*	*								*	*		*	*
Mongolia	*	*	*		*	*	*	*	*	*	*	*								*	*		*	*
Myanmar							*			*														*
Nepal	*	*	*		*	*	*	*		*	*	*								*			*	*
Nigeria					*	*	*	*	*	*	*	*	*	*	*					*			*	*

Table Three : Status as Compared with the Global Percentage in terms of being Parties to the Instruments as at 1 May, 1993

Code No. of Instruments	Status Parties to the Instruments				difference
	The Global Total		The AALCC Members		
	numbers	Percentage	numbers	Percentage	
1	119	63.3%	24	54.5%	-8.8%
2	116	61.7%	23	52.2%	-9.5%
3	67	35.6%	10	22.7%	-12.9%
4	17	9.0%	0	0	-9%
5	17	9.0%	32	72.7%	+1.4%
6	134	71.3%	25	56.8%	+6.3%
7	95	50.5%	18	40.9%	+11.7%
8	55	29.2%	18	52.3%	-5.6%
9	109	57.9%	23	52.3%	+4.1%
10	35	18.6%	10	22.7%	-12.8%
11	71	37.8%	11	25%	+12.2%
12	88	46.8%	26	59%	+1.1%
13	109	57.9%	26	59%	0.0%
14	109	57.9%	15	3.4%	-15.1%
15	64	34%	20	45.5%	-16.2%
16	114	69.6%	20	45.5%	-16.2%
17	116	61.7%	20	45.5%	-16.2%
18	38	20%	5	11.4%	-8.6%
19	16	8.5%	1	2.3%	-6.2%
20	16	8.5%	1	2.3%	-6.2%
21	13	6.9%	3	6.8%	-0.1%
22	1	0.53%	1	2.3%	+1.77%
23	1	0.53%	1	2.3%	+1.77%
24	102	54.2%	21	47.7%	-6.5%
	60	31.9%	11	2%	-6.9%
	40	21.2%	4	9%	-12.2%
	121	64.3%	26	56.8%	-7.5%
	131	69.7%	24	54.5%	-15.2%

188 States in the World  
44 Member of AALCC

## VI. The Law of International Rivers

### (i) Introduction

The subject "Law of International Rivers" was first taken up for consideration by the Asian-African Legal Consultative Committee (AALCC) through a reference made by the Governments of Iraq and Pakistan during the Eighth Session (Bangkok, 1966) of the AALCC. Next year, at the Ninth Session (New Delhi, 1967) Iraq in a statement indicated two areas which necessitated a closer scrutiny, (i) Definition of the term "International Rivers" and (ii) Rules relating to utilization of waters of international rivers by the States concerned for agricultural, industrial and other purposes not connected with navigation. At the Tenth Session (Karachi, 1969) after extensive deliberations the committee decided to set up a sub-committee of all Member Governments to prepare draft articles on the Law of International Rivers, particularly in the light of the experience of the Asian and African countries reflecting the high moral and juristic concepts inherent in their own civilizations and legal systems.

In order to fulfill this mandate, the Sub-Committee met in New Delhi in December 1969 with the representatives from the Governments of Ghana, India, Indonesia, Iraq, Japan, Jordan, Pakistan, Sierra Leone and Sri Lanka. At this meeting, the delegations of Pakistan and Iraq placed before the Sub-Committee a set of draft principles consisting of 21 articles. The Indian delegation had suggested that the Sub-Committee should also consider the Helsinki Rules drawn up by the International Law Association as the basis for discussion. In the subsequent sessions of the Committee, the Sub-Committee could not arrive at any conclusions due to a few unclear provisions existing in the draft formulations. The proposals were referred to the member Governments for their consideration.

Meanwhile, the AALCC was preoccupied with the crucial deliberations relating to the "Law of the Sea" and "Economic Cooperation". It was decided

that since the International Law Commission (ILC) was actively engaged in considering this topic, its examination could be deferred. After a prolonged gap, this item was brought back on the agenda of the Twenty-third Session of the Committee (Tokyo, 1983) at the request of the Government of Bangladesh. The Government of Bangladesh suggested that the Committee could resume the consideration of the item without in any way touching the areas under scrutiny by the ILC. Nepal, on the other hand, had specifically suggested that the Committee might direct the Secretariat to initiate studies relating to regional system agreements of the international rivers. However, many member Governments were of the view that the Committee should await the finalization of ILC's work, in order to avoid duplication of work and they were also keen to follow the progress of work in the ILC. In order to accommodate all these suggestions the Committee decided to continue the study on the following patterns. (a) to identify the areas which were not likely to be covered by the work of the ILC and where it was deemed desirable, the Committee to undertake a study; (b) to examine the provisions of the Articles provisionally adopted by the ILC; and (c) to submit a tentative programme of work for the consideration of the Committee.

During the Kathmandu Session (Nepal, 1985) the Committee considered a "Preliminary Report" prepared by the Secretariat which *inter alia*, indicated five areas which could be examined, namely (a) an examination of the draft articles after they were adopted by the ILC and to furnish comments thereon for consideration of the Sixth Committee and possibly before a diplomatic conference; (b) development of norms and guidelines for the legal appraisal of the validity or otherwise of any objection that may be raised by one watercourse State in relation/regard to projects sought to be undertaken by another watersource State; (c) study the matter relating to navigational uses and timber floating in international water courses; (d) study to other areas of international rivers such as agricultural uses; and (e) study of State practice in the region of user agreements and examining the modalities employed in the sharing of waters of such watercourses as the Gambia, Indus, Mekong, Niger and Senegal.

Pending a final decision as to the specific future work programme of the Committee, the Secretariat continued to monitor the ILC deliberations and presented concisely the ILC's progress of work for consideration of the Twenty-fifth Session (Arusha, 1986) of the Committee. At the subsequent Sessions, held in Bangkok (1987), Singapore (1988), Nairobi (1989), and Beijing (1990) the secretariat presented studies which were confined only to the examination of the draft articles so far adopted by the ILC. The Thirtieth Session (Cairo, 1991) decided to place this item independently on the agenda

of the Thirty-first Session as the ILC had completed the first reading of the draft articles and to assist the Member Governments of AALCC to submit their comments. During Thirty-first session (Islamabad, 1992) the Committee discussed a study prepared by the Secretariat analysing the ILC draft articles adopted by it after the first reading.

The Thirty-second Session (Kampala, 1993) considered a study, titled, "The Law of International Rivers: A Preliminary Study Relating to River System Agreements". This study, *inter alia*, examined three major areas, namely (a) International Watercourses; (b) Equitable and Reasonable Utilization and Participation; and (c) Protection and Preservation of Ecosystems. This study broadly examined the institutional and legal aspects of the River System Agreements in the Asian-African region.

### Thirty-third Session: Discussions.

The Secretary-General while introducing the agenda item "Law of International Rivers" informed the session briefly the background of this study which was introduced at the initiative of the Governments of Pakistan and Iraq as far back as the Ninth Session of the Committee held at New Delhi in 1967. He also informed the session the reasons for its slow progress due to Committee's increasing work schedule in other areas. He noted that there were some differences concerning the feasibility of the study. Accordingly, he pointed out, the AALCC continued to evaluate the work of the ILC and furnished comments on ILC's draft articles so as to assist member countries to send their comments and observations to ILC. He stated that the Thirty-Second session of the AALCC, while taking note of the study made on Law of International Rivers directed the AALCC Secretariat to work on the fresh water resources and accordingly the current study was prepared.

He noted that the focus of this study was primarily to continue the examination of legal regulation and protection of available fresh water resources in the Asian and African region. He briefly explained the prevailing divergent views in this regard and difficulties in formulating a viable normative approach. In view of this, he stated, that the balanced utilization of limited freshwater resources had always remained and would remain a critical problem. He referred to the Report of the Rio Conference in its Agenda 21 concerning problems of freshwater management. He also noted that the ILC draft articles constituted an attempt to deal with the preservation of freshwater resources within a "holistic approach". He referred to the necessity for adequate legislative measures within the realm of municipal law.

The Delegate of Turkey referred to the title of the report and pointed out that the title "Law of International Rivers" seemed little premature since there

were no rules and regulations on this matter but only deliberations of some international institutions which had not yet assumed legal status. He suggested, therefore, that the title of the study should be "Study on the non-navigational utilization of the international watercourses". He did not agree with the tendency to treat the Draft Articles of ILC as conclusive as they were not endorsed by the international community. He also pointed out the diverse factors existing in different river basins in different parts of the world. The delegate, accordingly suggested that this subject was not amenable for further examination in the AALCC.

The delegate drew the attention of the Session that his delegation, while welcoming the provision appearing in the Article 5 of the ILC concerning "the utilization of an international watercourse in an equitable and reasonable manner", did not accept such concept in utilization of ground water resources. He pointed out that his delegation at the Islamabad Session had stated that to include the subject of confined ground water resources in the international watercourses would complicate the whole matter and might create many other difficulties. He pointed out that his delegation at the Islamabad Session had referred to the distinction between *free* groundwaters and confined groundwaters as a distinction made by the ILC and not as a support for the inclusion of groundwaters into the international watercourses subject. He, accordingly pointed out that the necessary connection should be made in the paragraph 12 on page twelve of the Report.

The Delegate of *India* expressed the view that the work concerning this topic was complicated and involved a level of generality and abstraction. He pointed out that this topic had essentially bilateral dimensions and it would be necessary to sensitize states in this regard. Accordingly, the delegate suggested that there should not be any final conclusion on this topic and the subject should be withdrawn from active agenda.

**(ii) Decisions of the Thirty-third Session (1994)**  
**Agenda item: "Law of International Rivers"**

Adopted on January 21, 1994

**The Asian-African Legal Consultative Committee at its Thirty-third Session:**

*Taking note* of the study prepared by the Secretariat on the item "The Law of International Rivers, Normative Approaches to the Sustainability of Fresh Water Resources" contained in Doc. No. AALCC/XXXIII/Tokyo/94/5:

1. *Expresses* its appreciation for the study concerning freshwater resources;
2. *Expresses* its concern at the growing misuse of freshwater sources which constitutes only 2 per cent of the global water resources;
3. *Notes* with satisfaction the progress of work on the item "Non-navigational Uses of International Watercourses" during its second reading in the International Law Commission; and
4. *Decides* to place the item on the agenda of the Thirty-fourth Session to facilitate further substantive discussion.