

International Law Association
Articles on Private Law Remedies for Transboundary Damage in International
Watercourses
Helsinki, 1996

from
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Article 1

- (1) For the purposes of these articles “damage” includes *inter alia*:
- (a) loss of life or personal injury;
 - (b) loss of or injury to property; and
 - (c) the costs of reasonable measures to prevent or minimize such loss or injury.
- (2) For the purposes of these Article, “damage to the environment” means:
- (a) harm to the environment of the drainage basin, the costs of reasonable measures to prevent or minimize such harm, and any further loss or damage caused by such measures; and
 - (b) the costs of reasonable measures of reinstatement or restoration of the environment of the drainage basin actually undertaken or to be undertaken.
- (3) Except where these articles otherwise provide, “person” means any natural or juridical person.

Article 2

- (1) States, individually or jointly, shall ensure the availability of prompt, adequate, and effective administrative and judicial remedies for persons in another State who suffer or may suffer damage arising from the inequitable or unreasonable use of the waters of an international drainage basin in their territories.
- (2) For the purpose of giving effect to these articles, States shall ensure cooperation between their competent courts and authorities, and shall take measures to ensure that any persons who suffer or may suffer damage resulting from the use in another State of the waters of an international drainage basin shall have access to such information as is necessary to enable them to exercise their rights under these articles in a prompt and timely manner.

Article 3

- (1) Any person who suffers or may suffer damage resulting from the use in another State of the waters of an international drainage basin shall be entitled in that State to the same extent and on the same conditions as a person in that State:
- (a) to participate in any environmental impact assessment procedure;



- (b) to institute proceedings before an appropriate court or administrative authority of that other State in order to determine whether the damaging use or activity should be permitted;
- (c) to obtain preventive remedies;
- (d) to obtain prompt and adequate compensation; and
- (e) to obtain information necessary to establish such claims.

(2) Public bodies and non-governmental associations established in a State which are or may be affected by damage, including damage to the environment, caused by the use of waters of an international drainage basin in another State shall be entitled on condition of reciprocity to initiate proceedings or participate in procedures in that other State to the same extent and on the same conditions as public bodies and non-governmental associations established in that State.