

International Law Association
Complementary Rules Applicable to International Water Resources
Seoul, 1986

from
Seoul Conference Report, 1986 - Committee on International Water Resources, pp. 272-292

Article I

Substantial injury

A basin State shall refrain from and prevent acts or omissions within its territory that will cause substantial injury to any co-basin State, provided that the application of the principle of equitable utilization as set forth in Article IV of the Helsinki Rules does not justify an exception in a particular case. Such an exception shall be determined in accordance with Article V of the Helsinki Rules.

Article II

Measures within the territory of other basin States

If an undertaking, to be executed by a basin State, requires works or installations within the territory of a co-basin State, or the utilization of water resources in that territory, all questions connected with these measures are to be determined by agreement. The States concerned shall use their best endeavours to reach a just and reasonable agreement in accordance with the principle of equitable utilization.

Article III

Notification and objection

1. When a basin State proposes to undertake, or to permit the undertaking of, a project that may substantially affect the interests of any co-basin State, it shall give such State or States notice of the project. The notice shall include information, data and specifications adequate for assessment of the effects of the project.
2. After having received the notice required by paragraph 1, a basin State shall have a reasonable period of time, which shall be not less than six months, to evaluate the project and to communicate its reasoned objection to the proposing State. During that period the proposing State shall not proceed with the project.
3. If a basin State does not object to the project within the time permitted under paragraph 2, the proposing State may proceed with the project in accordance with the notice.
4. If a basin State objects to the project, the States concerned shall make every effort expeditiously to settle the matter consistent with the procedures set forth in Chapter 6 of the Helsinki Rules. The



proposing State shall not proceed with the project while these efforts are continuing provided that they are not unduly protracted. If these efforts become unduly protracted, or an objecting State has refused to have resort to third party procedures for settlement of the remaining differences, the proposing State may, on its own responsibility, proceed with the project in accordance with the notice.

5. The notice and other communications referred to in this Article shall be transmitted through appropriate official channels unless otherwise agreed.