

**International Law Association**  
**Resolution on International Water Resources Administration**  
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Article 1

As used in this Chapter, the term “international water resources administration” refers to any form of institutional or other arrangements established by agreement among two or more basin States for the purpose of dealing with the conservation, development and utilisation of the waters of an international drainage basin.

Article 2

1. With a view to implementing the principle of equitable utilisation of the waters of an international drainage basin, and consistent with the provisions of Chapter VI of the Helsinki Rules relating to the procedures for the prevention and settlement of disputes, the basin States concerned and interested should negotiate in order to reach agreement on the establishment of an international water resources administration.

2. The establishment of an international water resources administration in accordance with paragraph 1 above is without prejudice to the existence or subsequent designation of any joint agency, conciliation commission or tribunal formed or referred to by co-basin States pursuant of Article XXXI of the Helsinki Rules in the case of a question or dispute relating to the present or future utilization of the waters of an international drainage basin.

Article 3

Member States of an international water resources administration in appropriate cases should invite other States including non-basin States or international organizations, which by treaty, other instrument or binding custom enjoy a right or have an interest in the use of the waters of an international drainage basin, to participate in the activities of the international water resources administration.

Article 4

1. In order to provide for an effective international water resources administration, the agreement establishing that administration should expressly state, among other things, its objective or purpose, nature and composition, form and duration, legal status, area of operation, functions and powers, and financial implications of such an international water resources administration.

2. The Guidelines Annexed to these Articles should be taken into account when an international water resources administration is to be established.

### Annex

#### Guidelines for the Establishment of an International Water Resources Administration (In implementation of Article IV, paragraph 2 on International Water Resources Administration)

In establishing an international water resources administration, Member States should consider, on the basis of the requirements of each particular case, the elements contained in the following guidelines:

1. Form and duration of an International Water Resources Administration will depend on all relevant factors identified in these guidelines, including:
  - (a) its duration, which may be ad hoc or permanent; and
  - (b) its constitution which may take the form of:
    - (i) separate national commissions or agencies;
    - (ii) a joint commission or agency composed of national representatives, interest groups or representatives of users;
    - (iii) a mixed commission or agency;
    - (iv) a commission or agency vested with supranational decision-making powers.
2. Procedures for decision-making will include:
  - (a) a quorum (for the validity of the meeting) which will depend on the importance of the decisions to be taken;
  - (b) the principle of either unanimity, simple or qualified majority or an other combined form of decision-making.
3. The legal status of an International Water Resources Administration vis-à-vis both its Member States and other States not parties to the administration as well as vis-à-vis international and other organizations should be defined; such legal status will cover:
  - (a) the managing body,
  - (b) the staff,
  - (c) assets, equipment and other properties,
  - (d) the whole administration as such, including the powers to sue and to be sued.
4. The territorial competence (ratione loci) of an international water resources administration should be defined. The choice will depend on a number of factors, such as: the extent of the drainage area with respect to each Members State; the contribution of water by each basin State to the hydrology of the basin; the economic and social requirements of the basin States; local interests; the other relevant factors to be considered in each particular case, having regard to Article V of the Helsinki Rules.

Territorial competence may include:

- (a) the whole drainage basin, including surface water, underground waters or both;
- (b) more than one drainage basin (multi-basin);

- (c) part of a drainage basin (sub-basin);
- (d) an area otherwise defined and clearly delimited; and
- (e) all or part of boundary waters.

5. The functions and powers of an international water resources administration should be defined. These may vary from case to case, depending upon various factors, including:

- (a) the kind of co-operation envisaged;
- (b) the desired degree of involvement in international administration;
- (c) the specific fields for which it is proposed to establish the administration.

Such functions and powers may include, without being limited to, one or more of the following:

A. Advisory, consultative, co-ordinating, or policy-making functions. In these cases, the agreement should specify the procedural rules for deciding on conflicting rights and interests, including notification, objections and timing.

B. Executive function, which may include carrying out of studies, exploration, investigation and surveys, preparation of feasibility reports, inspection and control construction, operation, maintenance or financing.

C. Regulatory function, including the implementation of the decisions of the administration, as well as lawmaking. Decisions in these matters may take effect directly or after acceptance by Member States.

D. Judicial function, which may include arbitration or final dispute settlement.

6. As regards the objects and purposes (ratione materiae) of an international water resources administration, these may include one or more of the following:

- (a) collection and exchange of hydrological technical and other data, which may be undertaken by Member States separately or jointly, and their standardization;
- (b) plan formulation, which may include the exchange of plans prepared separately by Member States or jointly formulated plans;
- (c) co-ordination of plans;
- (d) construction of waterworks, which may be undertaken by Member States separately or jointly, or which may be entrusted to a non Member State or to some organization;
- (e) waterworks operation and maintenance, which may be entrusted to each Member State concerned separately or to joint administration;
- (f) control of one or more beneficial uses of water which may include:
  - (i) domestic and community uses;
  - (ii) agricultural uses, including the watering of animals and agro-allied industrial uses;
  - (iii) industrial uses, including cooling;
  - (iv) hydropower generation and transmission;
  - (v) navigation;
  - (vi) timber floating;
  - (vii) fishing; and

- (viii) other beneficial uses of common interest;
- (g) control of one or more harmful effects of water which may include:
  - (i) flood control measures, which may imply flow regulations and river training;
  - (ii) embankment construction and maintenance;
  - (iii) drought warning, prevention, reduction and control;
  - (iv) soil erosion control;
  - (v) land reclamation, including salinity control and drainage;
  - (vi) dredging, maintenance and improvement of the navigable sections of an international watercourse;
  - (vii) siltation control;
  - (viii) other harmful effects of common interest;
- (h) water quality control including such coastal sea areas of the Member States, which may be adversely affected, and which may include:
  - (i) prevention and abatement of water pollution resulting from one or more beneficial uses, and harmful effects, and the measures to be taken separately or jointly by Member States;
  - (ii) health preservation, including human beings and genetic resources (animals and plants), and the measures to be taken separately or jointly by Member States;
  - (iii) environment protection, with reference to the waters of the basin, including minimum standards and measures to be taken separately or jointly by Member States.

8. In establishing an international water resources administration, one or more of the following financial and economic matters should be considered:

- (a) internal financing of the administration, including cost sharing and sharing criteria;
- (b) development financing of projects and works in particular including:
  - (i) cost sharing and criteria for sharing (based on i.e. at-site benefit analysis, system development); procedures and criteria for compensation;
  - (ii) sharing of benefits including the assessment and collection of revenues, and criteria for sharing;
- (c) external financing, with particular reference to the powers of the administration necessary to enter into agreement for this purpose.

9. The agreement establishing an international water resources administration should contain provisions for the settlement of disputes arising out of its interpretation and implementation.