

International Law Association
Resolution on the Use on the Waters of International Rivers
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Heads of Unanimous Agreement

It is agreed that our immediate purpose is to put forward some principles and some recommendations on which there is unanimous agreement.

It is agreed that there are rules of conventional and customary international law governing the uses of waters of drainage basins that are within the territories of two or more States.

It is agreed that there may be issues not adequately covered by recognized rules of international law and also that there are rules as to which there exist differences as to their meaning.

As used in this statement, a drainage basin is an area within the territories of two or more States in which all the streams of flowing surface water, both natural and artificial, drain a common watershed terminating in a common outlet or common outlets either to the sea or to a lake or to some inland place from which there is no apparent outlet to a sea.

Agreed Principles of International Law

1. A system of rivers and lakes in a drainage basin should be treated as an integrated whole (and not piecemeal).
2. Except as otherwise provided by treaty or other instruments or customs binding upon the parties, each co-riparian State is entitled to a reasonable and equitable share in the beneficial uses of the waters of the drainage basin. What amount to a reasonable and equitable share is a question to be determined in the light of all the relevant factors in each particular case.
3. Co-riparian States are under a duty to respect the legal rights of each co-riparian State in the drainage basin.
4. The duty of a riparian State to respect the legal rights of a co-riparian State includes the duty to prevent others, for whose acts it is responsible under international law, from violating the legal rights of the other co-riparian States

Agreed Recommendations

1. Co-riparian States should refrain from unilateral acts or omissions that affect adversely the legal rights of a co-riparian State in the drainage basin so long as such co-riparian State is willing to resolve differences as to their legal rights within a reasonable time by consultation. In the eventuality of a failure of these consultations to produce agreement within a reasonable time, the parties should seek a solution in accordance with the principles and procedures (other than consultation) set out in the Charter of the United Nations and the procedures envisaged in Article 33 thereof.
2. The action of the United Nations and its specialized agencies looking towards the assembling, exchange and dissemination of information concerning drainage basins is welcomed, and the hope is expressed that this work will be undertaken with the addition of the assembling, exchange and dissemination of legal information.
3. Co-riparian States should make available to the appropriate agencies of the United Nations and to one another hydrological, meteorological and economic information, particularly as to streamflow, quantity and quality of water, rain and snowfall, water tables and underground water movements.
4. Riparian States should by agreement constitute permanent or ad hoc agencies for the continuous study of all problems arising out of the use, administration and control of the waters of drainage basins. These agencies should be instructed to submit reports upon all matters within their competence to the appropriate authorities of the riparian States.
5. Since priorities in the kinds of uses of waters may differ from basin to basin and from one part of a basin to another, in case of differences as to the proper order of priority, the advice of technical experts should be sought.
6. The appropriate authorities of the co-riparian States should endeavour to resolve by agreement all matters concerning which recommendations are made by technical agencies.
7. In view of the variety of conditions of climate, hydrological facts, demographic and economic conditions in the various drainage basins, and the varieties of possible uses and needs for water, it is observed that regional agreements may serve the needs of riparian States and communities in many situations and it is recommended that every effort should be made to reach agreements on a regional basis.
8. Co-riparian should take immediate action to prevent further pollution and should study and put into effect all practicable means of reducing to a least harmful degree present uses which lead to pollution.
9. It is desirable that there be further study of the hydrological engineering, economic and legal matters bearing on the prospective operation of the existing and desired rules of international law relating to the uses of the waters of a drainage basin.
10. Funds should be sought from foundations likely to be interested in this subject, and it should be considered how, and to what extent, the work can be carried further in harmony with the similar work of the Institute de Droit International and of the Inter-American Bar Association.