

International Law Association
Statement of Principles
Resolution of Dubrovnik, 1956

from

Report of the Forty-Seventh Conference, held in Dubrovnik 1956, London, 1957, pp. 241-243

The Conference of the International Law Association held at Dubrovnik, 1956, having considered the First Report of the Committee on the Uses of the Waters of International Rivers and the statement of principles contained therein, as revised by the Committee in the light of the comments of certain of the Branches and members of the Association and the deliberations of this Conference, commends the Committee for its work and adopts the following:

I. An international river, is one which flows through or between the territories of two or more States.

II. A State must exercise its rights over the waters of an international river within its jurisdiction in accordance with the principles stated below.

III. While each State has sovereign control over the international rivers within its own boundaries, the State must exercise this control with due consideration for its effect upon other riparian States.

IV. A State is responsible, under international law, for public or private acts producing change in the existing régime of a river to the injury of another State, which it could have prevented by reasonable diligence.

V. In accordance with the general principle stated in No. III above, the States upon an international river should in reaching agreements, and States or tribunals in settling disputes, weigh the benefit to one State against the injury done to another through a particular use of the water. For this purpose, the following factors, among others, should be taken into consideration:

- (a) The right of each to a reasonable use of the water;
- (b) The extent of the dependence of each State upon the waters of that river;
- (c) The comparative social and economic gains accruing to each and to the entire river community;
- (d) Pre-existent agreements among the States concerned;
- (e) Pre-existent appropriation of water by one State.

VI. A State which proposes new works (construction, diversion, etc.) or change of previously existing use of water, which might affect utilization of the water by another State, must first consult with the other State. In case agreement is not reached through much consultation, the States concerned should seek the advice of a technical commission; and, if this does not lead to agreement, resort should be had to arbitration.

VII. Preventable pollution of water in one State, which does substantial injury to another State, renders the former State responsible for the damage done.

VIII. So far as possible, riparian States should join with each other to make full utilization of the waters of a river both from the viewpoint of the river basin as an integrated whole, and from the viewpoint of the widest variety of uses of the water, so as to assure the greatest benefit to all.

Decides to continue the Committee on an enlarged basis and authorises it to re-examine these principles, to widen the scope of its work so as to cover all inland waters of international concern, including artificial waterways, whether or not serving maritime navigation, and to cover all uses, including navigation, and to formulate rules of international law, and to report thereon for the consideration of the next Conference of the International Law Association.

Requests the Chairman, in consultation with the Executive Council and the respective Branches, to appoint to the Committee additional members of the Association expert in this field of enquiry, with adequate representation from countries which show an interest in this matter.

Suggests that financial assistance be sought from the Branches or other sources dedicated to the advancement of international law and the peaceful settlement of international disputes on a just basis, so as to make it possible for the Committee, or sections thereof, to meet as frequently as required, to collect and publish awards, treaties and other evidence of general practice accepted as law, and material manifesting general principles of law, and otherwise to facilitate prompt and effective work by the Committee.

Requests the Committee to issue reports to the Branches; to invite and consider their comments and the comments of others interested in the matter; and to submit and circulate to the Association, not later than three months before the next Conference, its Report, together with the comments of the various national Branches.