

# **Resolution on the Use of International Non-Maritime Waters**

**Salzburg, 11 September 1961**

The Institute of International Law,

Considering that the economic value of the use of waters has been modified by modern techniques and that the application of said techniques to the waters of a river basin extending upon the territory of several States generally affects the whole of these States, and that this evolution requires an adjustment in the legal field;

Considering that there is a common interest in maximizing the use of available natural resources;

Considering that the obligation not to cause an unlawful prejudice to a third party is one of the basic principles governing general relations between neighbouring countries;

Considering that this principle also applies to relations deriving from the various uses of waters;

Considering that, for the use of waters involving several States, each of the above-mentioned States may obtain, through consultations, joint planning and reciprocal concessions, the benefits of a more efficient development of natural resources;

Notes the existence of the following rules in international law and makes the following recommendations:

## Article I

The present rules and recommendations apply to the use of waters which are part of a river or of a watershed extending upon the territory of two or more States.

## Article II

Every State has the right to make use of the waters flowing across or bordering its territory subject to the limitations imposed by international law and in particular those which result from the following legal dispositions. That right is limited by the right of use by the other States concerned with the same river or watershed.

## Article III

If the various States disagree upon the extent of their rights of use, the disagreement shall be settled on the basis of equity, taking into consideration the respective needs of the States, as well as any other circumstances relevant to any particular case.

## Article IV

Each State may only proceed with works or to use the waters of a river or watershed that may affect the possibilities of use of the same waters by other States on condition of preserving for those States the benefit of the advantages to which they are entitled by virtue of Article III, as well as adequate compensation for any losses or damages incurred.

## Article V

The works or uses referred to in the above-mentioned article may only be initiated after due advance notice has been given to the States concerned.

#### Article VI

If objections are raised, the States shall enter in negotiations in view of reaching an agreement within a reasonable time. To this end, it is desirable that the States involved make use of technical expertises and if need be of appropriate commissions and organizations to reach solutions ensuring maximum benefits for all concerned.

#### Article VII

During the negotiations, every State should, according to the principle of good faith, refrain from proceeding with the works or uses in dispute, or from taking any other measures likely to aggravate the conflict or to make a settlement more difficult.

#### Article VIII

If the States involved cannot reach an agreement within a reasonable time, it is recommended to submit to judicial or arbitral settlement the question whether the intended development runs counter to the above-mentioned rules. If the State raising objections to the projected works or uses is opposed to any judicial or arbitral settlement, the other State remains free, under its own responsibility, to proceed with said works or uses, while remaining obligated by the provisions of Articles II to IV.

#### Article IX

It is recommended to the States concerned by particular watersheds to consider whether it would not be appropriate to set up joint organizations for the preparation of water utilization plans to facilitate their economic development, as well as to prevent or settle any disputes that might occur.