

## INTERNATIONAL ENVIRONMENTAL LAW

Inland waters protection

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### Allocation Doctrines

- Absolute territorial sovereignty (Harmon doctrine – articulated in case of diversion of the Rio Grande by the U.S., which adversely affected Mexican interests)
- Absolute territorial integrity
- Limited territorial sovereignty (obligation not to cause significant harm)
- Equitable utilization of water resources (decisions of ICJ and UN Watercourses Convention)

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### USE OF COMMON NATURAL RESOURCES

**Principle of equity among coriparian states:**

- Upstream states have the right to use waters
- Upstream states have a duty to take into account the interests of downstream states

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**Convention on the International  
Commission for the Protection of the Elbe**  
(Magdeburg 1990)

Objectives:

- to allow the use of water from bank infiltration for drinking water supply purposes
- agricultural use of water and sediments
- to improve conditions of ecosystems to be as close as possible to the natural conditions with sound diversity of species
- to reduce pollution of the North Sea by the Elbe

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**Convention on Co-operation for the Protection  
and Sustainable Use of the Danube River**  
(Sofia 1994)

Objectives:

- sustainable water management
- protection and rational use of surface waters and groundwater
- reduction of hazards originating from accidents involving hazardous substances and floods
- to reduce pollution of the Black Sea from Danube river

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**Declaration on the Environment in the  
Danube River Basin (1994)**

- Strategic Action Plan
- Program for the Implementation of SAP (investment activities sponsored from PHARE project)
- Environmental Program for the Danube Basin (improvement of environmental conditions)
- Accidental Emergency Prevention and Warning System (focused on timely warning in cases of accidents)

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**Convention on the International Commission for the Oder River Protection against Pollution**  
Wroclaw 1996

**Objectives:**

- permanent reduction of the pollution of Oder River Baltic Sea
- to restore aquatic and related ecosystems to get close to natural conditions with adequate diversity of species
- to allow the use of the water from bank infiltration for the drinking water supply
- agricultural use of water and sediments

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**Convention on the Protection and Use of Transboundary Watercourses and International Lakes** (Helsinki 1992)

**Objective:** - the protection and the rational usage of transboundary watercourses and lakes

**Obligations:**

- pollution prevention and reduction
- sustainable management of water resources
- to monitor and evaluate water conditions
- information exchange
- to prepare emergency notification and warning system

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**Convention on the Protection and Use of Transboundary Watercourses and International Lakes** (Helsinki 1992)

Protocol on Water and Health (London 1999)

Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents  
Kiev 2003) – *not signed by the CR*

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**Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki 1992)**

Protocol on Water and Health (London 1999)

Objectives:

- to support human health protection and well-being by:
- improvement of the water management
- improvement of quality and quantity of drinking water
- protection of water ecosystems

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**Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki 1992)**

Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents (Kiev 2003) – *not signed by the CR*

Definitions of - industrial accident  
- damage

Obligations of the operators to have financial insurance of his activities  
Polluter-pay principle

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**Convention on the Law of Non-Navigational uses of International Watercourses**

(New York 1997)

Goals:

1. optimal and sustainable utilization,
2. co-operation,
3. information exchange,
4. pollution prevention
5. the protection, preservation and management of ecosystems
6. managing emergency situations.

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## Case Law

- **Lake Lanoux** - States must strive to reach agreements prior to the creation of operation that can pose potential problems.



establishment of the principle of prior consultation

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## Case Law

- **Gabcikovo – Nagymaros**
- **1977 Agreement**
- **1988 withdrawal from the project (Hungary); Variant C (Slovakia)**
- **1993 the dispute was submitted to the ICJ**

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