
TABLE OF CONTENTS

Preface and Acknowledgements	V
Abbreviations	XI
Chapter 1	
Introduction	1
1. The Problem	1
2. The Aim of the Book	3
3. The Structure of the Book	4
Chapter 2	
The Law of the Navigational and Non-Navigational Use of International Watercourses	7
1. Introduction	7
2. The Definition of “International Watercourse”	8
3. Main Theories on the Use of International Watercourses	11
3.1 The Theory of Absolute Sovereignty (the Harmon Doctrine)	12
3.2 The Theory of Absolute Territorial Integrity	13
3.3 The Theory of Community of Interest	13
4. The Navigational Use of International Watercourses	15
4.1 The Right of Free Navigation	15
4.2 The Meaning of “International Watercourse” for the Purposes of the Right of Free Navigation	17
4.3 The Legal Basis of the Right of Free Navigation on International Watercourses	23
4.4 The Subjects of the Right of Free Navigation on International Watercourses	23
4.5 The Regulation of Navigation on International Watercourses	24
4.6 The Navigational Use of Northern European Watercourses: An Overview	26

5.	The Non-Navigational Use of International Watercourses	28
5.1	The Principle of Equitable Utilization	28
5.2	The Obligation not to Cause Significant Harm	33
5.2.1	The General Obligation not to Cause Significant Harm	33
5.2.2	The Obligation to Prevent, Reduce, and Control the Pollution of an International Watercourse that may Cause Significant Harm	37
5.3	The Relationship between the Principle of Equitable Utilization of International Watercourses and the Obligation not to Cause Significant Harm	39
5.4	Procedural Obligations Relating to the Use of International Watercourses	44
6.	Liability for Damage to International Watercourses	54
7.	Settlement of Disputes	59
8.	International River Commissions: the Institutional Aspect	61
9.	Concluding Remarks	62
 Chapter 3		
International Watercourses and the Rights of Indigenous Peoples: The Saami of Lapland and Finnmark		65
1.	Introduction	65
2.	The Protection of Indigenous Peoples under International Law	72
3.	International Legal Instruments and the Rights of the Saami with respect to the Environment	82
4.	The Protection of the Rights of the Saami under the Laws of Finland, Norway and Sweden	87
5.	Concluding Remarks	92
 Chapter 4		
Northern European Co-operation regarding Watercourses		95
1.	Introduction	95
2.	Norway and Sweden	95
3.	Finland and Norway	101
4.	Norway and Russia	103
5.	Finland, Norway and Russia	105
6.	Finland and Russia	106

7.	Finland and Sweden	113
8.	Concluding Remarks	117
Chapter 5		
Northern European Watercourse Institutions		
1.	Introduction	119
2.	Finland and Russia	119
2.1	The Joint Finnish-Russian Commission on the Utilization of Frontier Watercourses	119
2.1.1	Geographical Scope	120
2.1.2	Structure and Composition of the Watercourse Commission	120
2.1.3	Functions of the Commission	121
2.1.4	Adoption of Decisions and Opinions by the Commission	123
2.1.5	Compensation Procedure	124
2.1.6	Dispute Settlement Procedure	125
2.1.7	The Vuoksi Agreement	125
2.2	The Agreement concerning Regulation of Lake Inari	127
2.2.1	Introduction	127
2.2.2	Participants	128
2.2.3	Compensation Procedure	128
2.2.4	Dispute Settlement Procedure	128
2.2.5	The Protocol on Fish Breeding and Conservation of Fish Stocks	129
2.3	The Frontier Commission	129
2.3.1	Introduction	129
2.3.2	The Functioning of the Frontier Commission	130
2.3.3	Dispute Settlement Procedure	130
2.3.4	Frontier Guards	131
2.4	The Reindeer Agreement	132
2.5	An Overview of Finnish-Russian Institutions	133
2.6	Conclusions	138
3.	Norway and Russia	138
4.	Norway and Finland	140
5.	Finland and Sweden	141
5.1	Introduction	141
5.1.1	Geographical Scope	141

5.1.2	Scope of Activities	142
5.1.3	Structure and Composition of the FSFRC	142
5.2	Scope of the FSFRC's Functions	143
5.2.1	Hydraulic Construction Works	143
5.2.2	Fisheries	144
5.2.3	Pollution	145
5.3	The Nature of the FSFRC's Functions	146
5.3.1	Introduction	146
5.3.2	Administrative Functions	147
5.3.3	Judicial Functions	148
5.3.4	Supervisory Functions	149
5.4	Relationship between the FSFRC and Finland and Sweden	150
5.5	Conclusions	151
6.	Concluding Remarks	155
Chapter 6		
Nordic Watercourse Co-operation and the Sustainable Use of Water		157
1.	Introduction	157
2.	The Role of Law and the Concept of Sustainable Development	158
3.	International Legal Instruments on Sustainable Development and International Watercourses	165
4.	Nordic Watercourse Co-operation and Sustainable Development	172
5.	Concluding Remarks	177
Chapter 7		
Concluding Remarks		179
Bibliography		181
Table of Treaties		195
Index		203