The Principle of Not Causing Substantial Damage in the System of Principles on the Use and Protection of Freshwater Resources

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Review. The lack of clear and uniform understanding of the legal content of the principle of not causing substantial damage to another state when using transboundary freshwater facilities is one of the key challenges of the international cooperation in regulation of the rational use of fresh water. With regard to this principle, discrepancies arise concerning the obligations of the States, the concept of damage and its limits as well as its interrelation with the principle of equitable and reasonable use of freshwater resources, prevention of environmental pollution, precautionary measures, "the polluter pays," the duty to evaluate transboundary impacts. As a result of a consistent study of problematic aspects, it has been determined that the principle of not causing substantial damage also includes both the obligation to prevent harm and the need to reduce it, eliminate and compensate for it, thereby it covers the requirements of preventing environmental pollution, taking precautions, "polluter pays," the obligation to evaluate transboundary impacts. Within the framework of this principle, damage means death of people or causing damage to people's health, loss of or damage to property, damage to the environment, expenses incurred to provide reasonable measures taken to restore the previous state of property or environment. The paper justifies inconsistency of doctrinal antitheses and differentiations in the spheres of application of the principle under consideration and the equitable and reasonable use of freshwater resources.

Keywords: Freshwater, water use principles, not causing substantial harm, equitable use of the watercourse, rational use of the watercourse, principle of prevention of harm, polluter pays principle, transboundary impact assessment, international watercourse, transboundary aquifer.

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