Articles on Flood Control & Marine Pollution of Continental Origin 1972

Article 1

In the context of the following Articles,

1. “Floods” means the rising of water levels which would have detrimental effects on life and property in co-basin States.

2. “Flood control” means the taking of all appropriate steps to protect land areas from floods or to minimize damage therefrom.

Article 2

Basin States shall co-operate in measures of flood control in a spirit of good neighbourliness, having due regard to their interests and well-being as co-basin States.

Article 3

Co-operation with respect to flood control may, by agreement between basin States, include among others:

(a) Collection and exchange of relevant data;

(b) Preparation of surveys, investigations and studies and their mutual exchange;

(c) Planning and designing of relevant measures;

(d) Execution of flood control measures;

(e) Operation and maintenance of works;

(f) Flood forecasting and communication of flood warnings;
(g) Setting up of a regular information service charged to transmit the height of water levels and the discharge quantities.

Article 4

1. Basin States should communicate amongst themselves as soon as possible on any occasion such as heavy rainfalls, sudden melting of snow or other events likely to create floods and of dangerous rises of water levels in their territory.

2. Basin States should set up an effective system of transmission in order to fulfill the provisions contained in paragraph 1, and should ensure priority to the communication of flood warnings in emergency cases. If necessary a special system of translation should be built up between the basin States.

Article 5

1. The use of the channel of rivers and lakes for the discharge of excess waters shall be free and not subject to any limitation provided this is not incompatible with the object of flood control.

2. Basin States should maintain in good order their portions of water courses including works for flood control.

3. No basin State shall be prevented from undertaking schemes of drainage, river draining, conservation of soil against erosion and dredging, or from removal of stones, gravel or sand from the beds of its portions of watercourses provided that, in executing any of these schemes, it avoids any unreasonable interference with the object of flood control, and provided that such schemes are not contrary to any legal restrictions which may exist otherwise.

4. Basin States should ensure the prompt execution of repairs or other emergency measures for minimization of damage by flooding during periods of high waters.

Article 6

1. Expenses for collection and exchange of relevant data, for preparation of surveys, investigations and studies, for flood forecasting and communication of flood warnings, as well as
for the setting-up of a regular information service shall be borne jointly by the basin States co-operating in such matters.

2. Expenses for special works undertaken by agreement in the territory of one basin State at the request of another basin State shall be borne by the requesting State, unless the cost is distributed otherwise under the agreement.

Article 7

A basin State is not liable to pay compensation for damage caused to another basin State by floods originating in that basin State unless it has acted contrary to what could be reasonably expected under the circumstances, and unless the damage caused is substantial.

Article 8

In case of dispute, Articles XXX to XXXVII of the Helsinki Rules are, so far as may be, applicable.

Articles on Marine Pollution of Continental Origin

Article I

As used in this chapter “Continental sea-water pollution” means any detrimental change in the natural composition, content or quality of sea water resulting from human conduct taking place within the limits of the national jurisdiction of a State.

This conduct shall include, inter alia, the discharge or introduction of substances directly into the sea from pipelines, extended outlets, or ships, or indirectly through rivers or other watercourses whether natural or artificial, or through atmospheric fall-out.

Article II
Taking into account all relevant factors referred to in Article III a State:

(a) shall prevent any new form of continental sea-water pollution or any increase in the degree of existing continental sea-water pollution which would cause substantial injury in the territory of another State or to any of its rights under international law or to the marine environment, and

(b) Shall take all reasonable measures to abate existing continental sea-water pollution to such an extent that no substantial injury of the kind referred to in paragraph (a) is caused.

**Article III**

(a) States should establish, as soon as possible, international standards for the control of sea-water pollution, having regard to all relevant factors, including the following:

- The geography and hydrography of the area (inland waters, territorial sea, contiguous zone and continental shelf);
- climatological conditions;
- Quality and composition of affected sea waters;
- The conservation of the maritime environment (flora and fauna);
- The sources of the sea-bed and the subsoil and their economic value for present and potential users;
- The recreational facilities of the coastal area;
- The past, present and future utilization of the coastal area and sea water;
- The economic and social needs of the (coastal) States involved;
- The existence of alternative means for waste disposal;
- The adaptation of detrimental changes to beneficial human uses;
- The avoidance of unnecessary waste-disposal;

(b) Until such standards are established, the existence of substantial injury from pollution shall be determined by taking into consideration all relevant factors, including those referred to in paragraph (a).
(c) The weight to be given to each other factor is to be determined by its importance in comparison with that of other relevant factors.

**Article IV**

When it is contended that the conduct of a State is not in accordance with its obligations under these Articles, that State shall promptly enter into negotiations with the complainant with a view to reaching a solution that is equitable under the circumstances.

**Article V**

In the case of violation of the rules in Article II, the State responsible shall cease the wrongful conduct and shall compensate the injured State for the injury that has been caused to it.

**Article VI**

In case of a dispute, Articles XXXI to XXXVII of the Helsinki Rules are, so far as may be, applicable.