

International Law Association
Articles on Flood Control
New York, 1972

from
Report of the Fifty-Fifth Conference, New York, 21-26 August 1972, London 1974, pp. xvi-xvii

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 fulfil 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.