

International Law Association
Rules on the Water Pollution in an International Drainage Basin
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Article 1

Consistent with the Helsinki Rules on the equitable utilization of the waters on an international drainage basin, states shall ensure that activities conducted within their territory or under their control conform with the principles set forth in these Articles concerning water pollution in an international drainage basin. In particular, States shall:

- a) prevent new or increased water pollution that would cause substantial injury in the territory of another state;
- b) take all reasonable measures to abate existing water pollution to such an extent that no substantial injury is caused in the territory of another state; and
- c) attempt to further reduce any such water pollution to the lowest level that is practicable and reasonable under the circumstances.

Article 2

Notwithstanding the provision of Article 1, states shall not discharge or permit the discharge of substances generally considered to be highly dangerous into the waters of an international drainage basin.

Article 3

In order to give effect to Articles 1 and 2 above, states shall enact all necessary laws and regulations and adopt efficient and adequate administrative measures and judicial procedures for the enforcement of these laws and regulations.

Article 4

In order to give effect to the provisions of these Articles, states shall cooperate with the other states concerned.

Article 5

Basin states shall:

- (a) inform the other states concerned regularly of all relevant and reasonably available data, both qualitative and quantitative, on the pollution of waters of the basin, its causes, its nature, the damage resulting from it, and the preventive procedures;



- (b) notify the other states concerned in due time of any activities envisaged in their own territories that may involve a significant threat of, or increase in, water pollution in the territories of those other states; and
- (c) promptly inform states that might be affected, of any sudden change of circumstances that may cause or increase water pollution in the territories of those other states.

Article 6

Basin states shall consult one another on actual or potential problems of water pollution in the drainage basin so as to reach, by methods of their own choice, a solution consistent with their rights and duties under international law. This consultation, however, shall not unreasonably delay the implementation of plans that are the subject of the consultation.

Article 7

In order to ensure an effective system of prevention and abatement of water pollution of an international drainage basin, basin states should set up appropriate international administrative machinery for the entire basin. In any event, they should:

- (a) coordinate or pool their scientific and technical research programmes to combat water pollution;
- (b) establish harmonized, coordinated, or unified networks for permanent observation and pollution control; and
- (c) establish jointly water quality objectives and standards for the whole or part of the basin.

Article 8

States should provide remedies for persons who are or may be adversely affected by water pollution in an international drainage basin. In particular, states should, on a non-discriminatory basis, grant these persons access to the judicial and administrative agencies of the state in whose territory the pollution originates, and should provide, by agreement or otherwise, for such matters as the jurisdiction of courts, the applicable law, and the enforcement of judgments.

Article 9

In the case of a breach of a state's international obligations relating to water pollution in an international drainage basin, that state shall cease the wrongful conduct and shall pay compensation for the injury resulting therefrom.

Article 10

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 complaining state with a view of reaching a solution that is equitable under the circumstances.

Article 11

In the case of a dispute concerning water pollution in an international drainage basin, Articles XXXI to XXXVII of the Helsinki Rules shall, as far as possible, be applicable.