

International Law Association
Articles on Marine Pollution of Continental Origin
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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.