

INTERNATIONAL COURT OF JUSTICE

CASE

CONCERNING THE GABCIKOVO-NAGYMAROS

PROJECT

(HUNGARY/SLOVAKIA)

MEMORIAL

OF THE REPUBLIC OF HUNGARY

ANNEXES

**DIPLOMATIC CORRESPONDENCE,
MINUTES OF INTERGOVERNMENTAL MEETINGS, PUBLIC STATEMENTS
AND INTERNAL DOCUMENTS**

VOLUME 4

2 MAY 1994



TABLE OF CONTENTS

DIPLOMATIC CORRESPONDENCE, MINUTES OF INTERGOVERNMENTAL
MEETINGS, PUBLIC STATEMENTS AND INTERNAL DOCUMENTS

BEFORE 1989

	PAGE
Annex 1. Letter from Mr Endre Sík, Hungarian Permanent Representative to the Danube Commission, to Mr G. Morozov, President of the Danube Commission, 5 November 1951.	1
Annex 2. Report of the Seventh CMEA Session, Berlin, 30 May 1956.	2
Annex 3. Protocol on the joint negotiations aimed at the investigation of the utilisation scheme of the Danube, from Wolfstahl-Bratislava to the village of Fajsz, Budapest, 10-15 January 1958.	3
Annex 4. Closing Protocol of Negotiations of the Government Committees on Utilising the Hydro-Power of the Danube between Bratislava and Nagymaros, Prague, 6-7 October 1958.	6
Annex 5. Memorandum on Negotiations of the Governments of Hungary and Czechoslovakia, 13-14 November 1967.	9
Annex 6. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czechoslovak Socialist Republic, 23 January 1974.	13
Annex 7. Letter from Mr István Huszár, Hungarian Deputy Prime Minister, and Mr Rohlicek, Czechoslovak Deputy Prime Minister, to Mr Lesetsko, Soviet Deputy Prime Minister, 25 October 1974.	16
Annex 8. Letter from Mr A Kossygin, Soviet Prime Minister, to Mr György Lázár, Hungarian Prime Minister, 9 June 1975.	17
Annex 9. Protocol of the Meeting of the Hungarian and Czechoslovak Government Plenipotentiaries, Budapest, 24-26 November 1980.	18
Annex 10. Letter from Mr Lubomir Strougal, Czechoslovak Prime Minister, to Mr György Lázár, Hungarian Prime Minister, 19 October 1981.	23

- Annex 11. Letter from Mr György Lázár, Hungarian Prime Minister, to Mr Lubomir Strougal, Czechoslovak Prime Minister, 9 November 1981. 24
- Annex 12. *Aide Memoire* on consultations of the co-chairmen of the Hungarian-Czechoslovak Commission on Economic, Scientific and Technical Cooperation, 9 July 1983. 25
- Annex 13. *Aide Memoire* of the Hungarian and Czechoslovak Boundary Water Commissioners, Topolcianki, 7-8 December 1988. 27

1989

- Annex 14. Letter from Mr Péter Szőnyi, Hungarian Deputy Prime Minister, to Mr Péter Havas, Hungarian Plenipotentiary 21 March 1989, enclosing Minutes of the Protocol of the XXIII Session of the Hungarian-Czechoslovak Commission on Economic, Scientific and Technical Cooperation, 3 March 1989. 29
- Annex 15. Report of the co-presidents of the Hungarian-Czechoslovak Commission of Economic, Scientific and Technical Cooperation, 8 April 1989. 32
- Annex 16. Letter from Mr Péter Medgyessy, Hungarian Deputy Prime Minister, to Mr Pavel Hrivnak, Czechoslovak Deputy Prime Minister, 24 June 1989. 35
- Annex 17. *Aide Memoire*, Meeting of Mr László Udvari, Hungarian Government Plenipotentiary, and Mr Vladimír Lokvenc, Czechoslovak Government Plenipotentiary, Budapest, 26 June 1989. 37
- Annex 18. *Aide Memoire* of the scientific experts in connection with the temporary suspension of works on the Nagymaros Barrage, signed by Mr Pál Stefanovics, and Mr Vlastimil Barus, Budapest, 17-19 July 1989. 39
- Annex 19. Proposal of the Council of Ministers of the Hungarian People's Republic, offered by Hungarian Prime Minister Miklós Németh to Czechoslovak Prime Minister Ladislav Adamec, Budapest, 20 July 1989. 40
- Annex 20. *Note Verbale* from the Ministry of Foreign Affairs of the Czechoslovak Socialist Republic to the Embassy of the Hungarian People's Republic, 18 August 1989. 43
- Annex 21. Minutes of the meeting between the Hungarian Ministry for Industry, signed by Mr Tibor Lácza Szabó, and the

	Czechoslovak Ministry of Fuel and Energy, signed by Mr Matura Jaroslav, 21-22 August 1989.	45
Annex 22.	Minutes of the meeting of the Committee of Experts in the Matter of the Gabčíkovo-Nagymaros Barrage System, Budapest, 21-23 August 1989.	47
Annex 23.	Letter from Mr Ladislav Adamec, Czechoslovak Prime Minister, to Mr Miklós Németh, Hungarian Prime Minister, 31 August 1989.	50
Annex 24.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czechoslovak Socialist Republic, 1 September 1989.	51
Annex 25.	<i>Aide Memoire</i> of the meeting between Mr Péter Medgyessy, Hungarian Deputy Prime Minister, and Mr Pavel Hrivnak, Czechoslovak Deputy Prime Minister, Bratislava, 9 September 1989.	54
Annex 26.	<i>Aide Memoire</i> of the meeting between scientists to discuss water quality and ecology related to the Hrusovo-Dunakiliti reservoir, 25-27 September 1989.	57
Annex 27.	Letter from Mr Miklós Németh, Hungarian Prime Minister, to Mr Ladislav Adamec, Czechoslovak Prime Minister, 4 October 1989.	61
Annex 28.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Czechoslovak Socialist Republic to the Embassy of the Hungarian People's Republic, 30 October 1989.	63
Annex 29.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czechoslovak Socialist Republic, 3 November 1989.	65
Annex 30.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czechoslovak Socialist Republic, 30 November 1989.	66
Annex 31.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czechoslovak Socialist Republic, 11 December 1989.	70
1990		
Annex 32.	Letter from Mr Miklós Németh, Hungarian Prime Minister, to Mr Marian Calfa, Czechoslovak Prime Minister, 10 January 1990.	71

Annex 33.	Letter from Mr Marian Calfa, Czechoslovak Prime Minister, to Mr Miklós Németh, Hungarian Prime Minister, 15 February 1990.	73
Annex 34.	Omitted.	74
Annex 35.	Letter from Mr Miklós Németh, Hungarian Prime Minister, to Mr Marian Calfa, Czechoslovak Prime Minister, 6 March 1990.	75
Annex 36.	Letter from Mr Dominik Kocinger, Czechoslovak Government Plenipotentiary, to Mr György K. Sámsondi, Hungarian Government Plenipotentiary, 19 July 1990.	77
Annex 37.	Minutes of the meetings between the Government Plenipotentiaries held in Bratislava, 6 September 1990, and in Budapest, 17-18 October 1990.	78
Annex 38.	Letter from Mr György K. Sámsondi, Hungarian Government Plenipotentiary to Mr Dominik Kocinger, Czechoslovak Government Plenipotentiary, 15 November 1990.	81
Annex 39.	Letter from Mr Dominik Kocinger, Czechoslovak Government Plenipotentiary to Mr György K. Sámsondi, Hungarian Government Plenipotentiary, 21 November 1990.	83
Annex 40.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Marian Calfa, Czechoslovak Prime Minister, 14 December 1990.	85
1991		
Annex 41.	<i>Aide Memoire</i> of the meeting of the Hungarian and Czechoslovak Government Plenipotentiaries, Bratislava, 9 January 1991.	86
Annex 42.	Letter from Mr Marian Calfa, Czechoslovak Prime Minister, to Mr József Antall, Hungarian Prime Minister, 15 January 1991.	88
Annex 43.	<i>Aide Memoire</i> of the meeting of the experts of the Hungarian and Slovak Academies of Sciences, Budapest, 13-14 February 1991.	89
Annex 44.	Letter from Mr Dominik Kocinger, Czechoslovak Government Plenipotentiary, to Mr György K. Sámsondi, Hungarian Government Plenipotentiary, 15 February 1991.	92

- Annex 45. Letter from Mr György K. Sámsondi, Hungarian Government Plenipotentiary, to Mr Dominik Kocinger, Czechoslovak Government Plenipotentiary, 15 February 1991. 93
- Annex 46. Letter from Mr Miklós Király, Head of the Secretariat of the Hungarian Minister Without Portfolio, to Mr Ivan Lexa, Head of the Secretariat of the President of the Slovak Republic, 25 March 1991. 95
- Annex 47. Letter from Mr Dominik Kocinger, Czechoslovak Government Plenipotentiary, to Mr György K. Sámsondi, Hungarian Government Plenipotentiary, 26 March 1991. 96
- Annex 48. Proposal by the Government of the Republic of Hungary for the suspension of works on the Gabčíkovo-Nagymaros Barrage System on the basis of a joint agreement, Budapest, 22 April 1991. 97
- Annex 49. Proposal by the Government of the Republic of Hungary regarding the termination of the Treaty concluded in 1977 between the Hungarian People's Republic and the Czech and Slovak Federal Republic regarding the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System, Budapest, 22 April 1991. 98
- Annex 50. Proposal by the Government of the Republic of Hungary for the joint resolution of energy questions arising from the abandonment of the Gabčíkovo Nagymaros Barrage System, Budapest, 22 April 1991. 99
- Annex 51. *Note Verbale* from the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic to the Embassy of the Hungarian People's Republic, 18 June 1991. 100
- Annex 52. Position of the Czechoslovak Governmental Delegation regarding the Position of the Hungarian Republic and the Hungarian Academy of Sciences on the Ecological/Environmental Effects of the Gabčíkovo Barrage, Bratislava, 11 July 1991. 101
- Annex 53. Joint Press Release of Mr Ferenc Mádl, Head of the Hungarian Governmental Delegation, and Mr Jan Carnogursky, Head of the Czechoslovak Governmental Delegation, 15 July 1991. 104
- Annex 54. Letter from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Jan Carnogursky, Slovak Prime Minister, 24 July 1991. 105

Annex 55.	Letter from Mr Jan Carnogursky, Slovak Prime Minister, to Mr Ferenc Mádl, Hungarian Minister Without Portfolio, 30 July 1991.	106
Annex 56.	Letter from Mr Jan Carnogursky, Slovak Prime Minister, to Mr József Antall, Hungarian Prime Minister, 30 July 1991.	107
Annex 57.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czech and Slovak Federal Republic, 30 July 1991.	108
Annex 58.	Letter from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Jan Carnogursky, Slovak Prime Minister, 9 August 1991.	109
Annex 59.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Marian Calfa, Czechoslovak Prime Minister, 12 August 1991.	110
Annex 60.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Jan Carnogursky, Slovak Prime Minister, 14 August 1991.	111
Annex 61.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic to the Embassy of the Republic of Hungary, 27 August 1991.	112
Annex 62.	Letter from Mr Jan Carnogursky, Slovak Prime Minister, to Mr Ferenc Mádl, Hungarian Minister Without Portfolio, 19 September 1991.	113
Annex 63.	Letter from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Jan Carnogursky, Slovak Prime Minister, 8 October 1991.	114
Annex 64.	Joint Declaration of the Parliamentary Committees of Environmental Protection of Hungary and Czechoslovakia, Budapest, 11 October 1991.	115
Annex 65.	Letter from Mr Jan Carnogursky, Slovak Prime Minister, to Mr Ferenc Mádl, Hungarian Minister Without Portfolio, 21 October 1991.	118
Annex 66.	Letter from Mr György K. Sámsondi, Hungarian Government Plenipotentiary, to Mr Dominik Kocinger, Czechoslovak Government Plenipotentiary, 29 October 1991.	120
Annex 67.	Letter from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Jan Carnogursky, Slovak Prime Minister, 7 November 1991.	122

IX

Annex 68.	Letter from Mr Sándor K. Keresztes, Hungarian Minister for Environmental Protection & Territorial Development and Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Josef Vavrousek, Czechoslovak Minister of Environmental Protection, 6 December 1991.	123
Annex 69.	Letter from Mr Jan Carnogursky, Slovak Prime Minister to Mr Ferenc Mádl, Hungarian Minister Without Portfolio, 18 December 1991.	126
Annex 70.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Marian Calfa, Czechoslovak Prime Minister, 19 December 1991.	128
Annex 71.	Letter from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Jan Carnogursky, Slovak Prime Minister, 23 December 1991.	130
1992		
Annex 72.	Letter from Mr Jan Carnogursky, Slovak Prime Minister, to Mr Ferenc Mádl, Hungarian Minister Without Portfolio, 8 January 1992.	131
Annex 73.	Letter from Mr Marian Calfa, Czechoslovak Prime Minister, to Mr József Antall, Hungarian Prime Minister, 23 January 1992.	133
Annex 74.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czech and Slovak Federal Republic, 14 February 1992.	135
Annex 75.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Marian Calfa, Czechoslovak Prime Minister, 26 February 1992.	136
Annex 76.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Czechoslovak Federal Republic to the Ministry of Foreign Affairs of the Republic of Hungary, 17 March 1992.	139
Annex 77.	Letter from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Jan Carnogursky, Slovak Prime Minister, 30 March 1992.	140
Annex 78.	Letter from Mr Frans Andriessen, Vice-President of the EC Commission to Mr Géza Jeszensky, Hungarian Foreign Minister, 13 April 1992.	141
Annex 79.	Letter from Mr Marian Calfa, Czechoslovak Prime Minister, to Mr József Antall, Hungarian Prime Minister, 23 April 1992.	145

- Annex 80. Letter from Mr Jan Carnogursky, Slovak Prime Minister, to Mr Ferenc Mádl, Hungarian Minister Without Portfolio, 11 May 1992. 149
- Annex 81. Letter from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to Mr Jan Carnogursky, Slovak Prime Minister, 13 May 1992. 150
- Annex 82. Hungarian Declaration on the Termination of the 1977 Treaty, signed by Mr József Antall, Hungarian Prime Minister, Budapest, 16 May 1992, with covering letter from Mr József Antall, Hungarian Prime Minister, to Mr Marijan Calfa, Czechoslovak Prime Minister, 19 May 1992. 151
- Annex 83. *Note Verbale* from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czech and Slovak Federal Republic, 19 May 1992. 185
- Annex 84. Letter from Mr Géza Jeszenszky, Hungarian Foreign Minister, to Mr Frans Andriessen, Vice President of the EC Commission, 19 May 1992. 186
- Annex 85. *Note Verbale* from the Embassy of the Czech and Slovak Federal Republic to the Ministry of Foreign Affairs of the Republic of Hungary, 22 May 1992. 188
- Annex 86. *Note Verbale* from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czech and Slovak Federal Republic, 10 June 1992. 189
- Annex 87. *Note Verbale* from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Czech and Slovak Federal Republic, 8 July 1992. 190
- Annex 88. Letter from Mr Rudolf Chmel, Czechoslovak Ambassador to Hungary, to Mr H. Strasser, Director of the Secretariat of the Danube Commission, 5 August 1992. 191
- Annex 89. Letter from Mr Jan Strásky, Czechoslovak Prime Minister, to Mr József Antall, Hungarian Prime Minister, 6 August 1992. 192
- Annex 90. Letter from Mr József Antall, Hungarian Prime Minister, to Mr Jan Strásky, Czechoslovak Prime Minister, 6 August 1992. 194
- Annex 91. Letter from Mr Iván Bába, Hungarian Representative to the Danube Commission, to Mr Rudolf Chmel, Vice-President of the Danube Commission, 17 August 1992. 196

Annex 92.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Jan Strásky, Czechoslovak Prime Minister, 18 August 1992.	197
Annex 93.	Letter from Mr Iván Bába, Hungarian Representative to the Danube Commission, to Mr Ion Diaconu, President of the Danube Commission, 28 August 1992.	199
Annex 94.	Letter from Mr Géza Jeszenszky, Hungarian Foreign Minister, to Mr Josef Moravcik, Czechoslovak Foreign Minister, 14 September 1992.	202
Annex 95.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Jan Strásky, Czechoslovak Prime Minister, 18 September 1992.	203
Annex 96.	Letter from Mr Jan Strásky, Czechoslovak Prime Minister, to Mr József Antall, Hungarian Prime Minister, 23 September 1992.	205
Annex 97.	Letter from Mr Josef Moravcik, Czechoslovak Prime Minister, to Mr Géza Jeszenszky Hungarian Minister of Foreign Affairs 23 September 1992.	207
Annex 98.	Letter from Mr József Antall, Hungarian Prime Minister, to Mr Jan Strásky, Czechoslovak Prime Minister, 28 September 1992.	208
Annex 99.	Letter from Mr Jan Strásky, Czechoslovak Prime Minister, to Mr József Antall, Hungarian Prime Minister, 2 October 1992.	210
Annex 100.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic, 12 October 1992.	211
Annex 101.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic to the Embassy of the Republic of Hungary, 21 October 1992.	213
Annex 102.	Application of the Republic of Hungary to the International Court of Justice for the Republic of Hungary v. the Czechoslovak Republic on the Diversion of the Danube, 22 October 1992.	215
Annex 103.	<i>Note Verbale</i> from the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic to the Embassy of the Republic of Hungary, 27 October 1992.	234

Annex 104. <i>Note Verbale</i> from The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic, Slovakia to the Embassy of the Republic of Hungary, 5 November 1992.	235
Annex 105. Agreed Minutes of the meeting between the Czech and Slovak Federal Republic, Hungary and the European Commission on the Gabčíkovo/Nagymaros Project, Brussels, 27 November 1992.	236
Annex 106. Letter from Mr E Valencia-Ospina, Registrar, to Mr Ferenc Mádl, Hungarian Minister Without Portfolio, 4 December 1992.	237
Annex 107. Agreed Minutes of the meeting between Czechoslovakia, Hungary and the European Commission on the Gabčíkovo-Nagymaros Project, Brussels, 10-11 December 1992.	242
Annex 108. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic to the Ministry of Foreign Affairs of the Republic of Hungary, Prague, 18 December 1992.	245
Annex 109. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Slovak Republic to the Ministry of Foreign Affairs of the Republic of Hungary, Bratislava, 18 December 1992.	246
Annex 110. <i>Note Verbale</i> from the Embassy of the Republic of Hungary to the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic, 23 December 1992.	248
1993	
Annex 111. Letter from Mr József Antall, Hungarian Prime Minister, to Mr Jacques Delors, EC Commission President, 4 January 1993.	249
Annex 112. EC, Discussion Paper, Establishment of a Joint Hungarian/Slovak Water Management and Monitoring Committee, Brussels, January 1993.	252
Annex 113. Agreed Minutes of the meeting between Hungary, Slovakia and European Commission on the Gabčíkovo-Nagymaros Project, Brussels, 19 January 1993.	261
Annex 114. Letter from Mr József Antall, Hungarian Prime Minister, to Mr Vladimír Mečiar, Slovak Prime Minister, 5 February 1993.	262
Annex 115. Communiqué of the Tripartite Meeting between Hungary, Slovakia and the EC on the Gabčíkovo-Nagymaros Project, Brussels, 16 February 1993.	264

- Annex 116. EC Press Release of the Tripartite Meeting between Hungary, Slovakia and the EC on the Gabčíkovo-Nagymaros Projects of 16 February 1993 , Brussels, 17 February 1993. 265
- Annex 117. *Note Verbale* from the Ministry of Foreign Affairs of the Czech Republic to the Delegation of the EC Commission, 3 March 1993. 266
- Annex 118. Letter from the Slovak Foreign Minister, to Mr Boutros Boutros-Ghali, UN Secretary-General, 19 May 1993. 269
- Annex 119. Letter from Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, to Mr Jan Lisuch, Slovak Under-Secretary of State for Foreign Affairs, 2 June 1993. 270
- Annex 120. Slovak Statement rejecting the EC and Hungarian proposals, signed by Mr Miroslav Liska, 18 June 1993. 271
- Annex 121. *Note Verbale* from the Ministry of Foreign Affairs of the Slovak Republic to the Embassy of the Republic of Hungary, Bratislava, 13 July 1993. 272
- Annex 122. Letter from Mr Pablo Benavides, EC Director for External Economic Relations, to Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, 19 July 1993. 274
- Annex 123. Letter from Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, to Mr Pablo Benavides, EC Director for External Economic Relations, 22 July 1993. 276
- Annex 124. Letter from Mr Alan Mayhew, Principal Advisor to the EC Directorate-General for External Economic Relations, to Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, 5 August 1993; attaching EC, Draft Working Document, Establishment of a Group of Independent Monitoring and Water Management Experts for the Gabčíkovo Barrage System, Brussels, 4 August 1993. 278
- Annex 125. EC Preliminary Working Document, Establishment of a Group of Independent Monitoring and Water Management Experts for the Gabčíkovo System of Locks, Brussels, 18 August 1993. 283
- Annex 126. Group of Monitoring and Water Management Experts for the Gabčíkovo Barrage System, Minutes of the First Meeting of Experts, Bratislava, 8-9 September 1993. 288
- Annex 127. Group of Monitoring and Water Management Experts for the Gabčíkovo Barrage System, Minutes from Second

Meeting of the Group of Experts, Budapest, 27 October-2 November 1993.	295
Annex 128. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Slovak Republic to the Embassy of the Republic of Hungary, 15 November 1993.	306
Annex 129. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Slovak Republic, 25 November 1993.	307
Annex 130. Group of Monitoring and Water Management Experts for the Gabčíkovo Barrage System, Minutes from third Meeting of the Group of Experts, Bratislava, 28 November-1 December 1993.	308
1994	
Annex 131. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Slovak Republic to the Embassy of the Republic of Hungary, 12 January 1994.	314
Annex 132. Letter from Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, to Mr Pablo Benavides, EC Director for External Economic Relations, 14 January 1994.	316
Annex 133. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Slovak Republic, 19 January 1994.	321
Annex 134. Letter from Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, to Mr Pablo Benavides, EC Director for External Economic Relations, 24 January 1994.	322
Annex 135. Letter from Mr Pablo Benavides, EC Director for External Economic Relations, to Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, 27 January 1994.	323
Annex 136. <i>Note Verbale</i> from the Ministry of Foreign Affairs of the Slovak Republic to the Embassy of the Republic of Hungary, 1 February 1994.	324
Annex 137. Letter from Mr Jan Lisuch, Slovak State Secretary for Foreign Affairs, to Mr Pablo Benavides, EC Director for External Political Affairs, 8 February 1994.	325
Annex 138. Letter from Mr Dominik Kocinger, Slovak Government Plenipotentiary, to Dr Lajos Zsámboki, Managing Director of Oviber, 8 February 1994.	332

- Annex 139. Letter from Prof. J. Schreiner, Head of the EC Experts Group, to Mr Pablo Benavides, EC Director for External Political Relations, 10 February, 1994. 333
- Annex 140. Letter from Mr Pablo Benavides, EC Director for External Political Relations, to Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, 18 February 1994. 336
- Annex 141. Letter from Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, to Mr Pablo Benevides, EC Director for External Political Relations, 23 February 1994. 338
- Annex 142. *Note Verbale* from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassies of Germany, the Netherlands, France and the Danube Commission, 24 March 1994. 340
- Annex 143. Letter from Mr János Martonyi, Hungarian State Secretary for Foreign Affairs, to Mr Pablo Benavides, European Commission Director for External Political Relations, Budapest, 24 March 1994. 341
- Annex 144. *Note Verbale* from the Ministry of Foreign Affairs of the Republic of Hungary to the Embassy of the Slovak Republic, 28 March 1994. 342

PUBLIC STATEMENTS AND INTERNAL DOCUMENTS

HUNGARIAN PUBLIC STATEMENTS

Annex 145. Parliamentary Resolution, 7 October 1988.	344
Annex 146. Government Resolution No. 3004/1989, 6 January 1989.	347
Annex 147. Government Resolution No 3125/1989, 13 May 1989.	351
Annex 148. Parliamentary Resolution 9/1989, (VI.13), 2 June 1989.	353
Annex 149. Government Resolution No 3205/1989, 20 July 1989.	354
Annex 150. Government Resolution No 3305/1989, 30 October 1989.	356
Annex 151. Parliamentary Resolution 24/1989 (XI.10), 31 October 1989.	360
Annex 152. Hungary's National Renewal Program (Budapest, September 1990) pp 85-87.	361
Annex 153. Government Resolution 3507/1990, 20 December 1990.	366
Annex 154. Parliamentary Resolution 26/1991 (IV.23), 16 April 1991.	368
Annex 155. Government Resolution 2009/1991, 25 October 1991.	369
Annex 156. Parliamentary Resolution 12/1992 (IV.4), 24 March 1992.	372
Annex 157. Government Resolution 3190/1992, 7 May 1992.	374
Annex 158. Statement by Mr Ferenc Mádl, Minister Without Portfolio, to the Hungarian Parliament, 11 May 1992 (Excerpts).	376
Annex 159. Parliamentary Resolution 9/1993 (III. 5.), 5 March 1993.	377

HUNGARIAN INTERNAL STATEMENTS

Annex 160. Report of Péter Havas, Hungarian Government Plenipotentiary, to the Hungarian Government on the negotiations concerning the Gabčíkovo Nagymaros Barrage System held on 27-29 October and 2-3 November 1982, 11 November 1982.	379
Annex 161. Memorandum from Mr. Péter Havas, Hungarian Government Plenipotentiary, to Mr Jozsef Marjai, Hungarian Deputy Prime Minister, 6 January 1983.	381
Annex 162. Letter from Mr János Szentágothai, President of the Hungarian Academy of Sciences, to Mr József Marjai, Hungarian Deputy Prime Minister, 23 December 1981.	382

- Annex 163. Report of a meeting of the Hungarian State Secretary of the Ministry of Environment and Water Management and the Slovak Minister for Forestry, Water Management and Timber Industry, signed by Mr Miklós Varga, the Hungarian State Secretary, 11 January 1990. 383
- Annex 164. Letter from Mr G. K. Sámsondi, Hungarian Government Plenipotentiary, to Mr Gyorgy Szaloki, Chief Counselor of the Parliamentary Committee on Environmental Protection, 17 September 1990. 384
- Annex 165. Report from Mr Ferenc Mádl, Hungarian Minister Without Portfolio, to the Hungarian Government regarding the Negotiations with the Czechoslovak Governmental Delegation, 15 July 1991. 385

CZECH & SLOVAK STATEMENTS

- Annex 166. Letter from the Slovak Union of Nature and Landscape Protectors to the Hungarian Government, 24 May 1989. 391
- Annex 167. Position of Czechoslovakia on materials prepared for the Council of Ministers of the Hungarian People's Republic on the decision of temporarily stopping work on the Nagymaros Barrage, 26 June 1989. 393
- Annex 168. Note of the Slovak Environmental Committee, 25 June 1991. 402
- Annex 169. Federal Parliament Resolution No. 200, 3 October 1991. 408
- Annex 170. Slovak National Council Resolution No.246, 31 January 1992. 410
- Annex 171. Declaration of the National Council of the Slovak Republic to the Parliaments and to the Nations of the World, 1 January 1993. 412
- Annex 172. Information Release by the Slovak Environmental Committee of the Statute on Waters, Bratislava, March 1993. 414
- Annex 173. Public Relations Brochure of Slovakia, "The Temporary Solution on the Territory of the CSFR-Slovakia," Bratislava, 1993. 419

OTHER STATEMENTS

- Annex 174. Proclamation concerning Gabčíkovo-Nagymaros Barrage System, signed by 232 organisations, 20 October 1987. 423

- Annex 175. Resolution of the Parliament of the European Communities on the Gabčíkovo-Nagymaros Power Station Construction Project, 29 October 1992. 426
- Annex 176. Resolution of the Parliament of the European Communities on the Gabčíkovo-Nagymaros Barrage, 10 March 1993. 427
- Annex 177. Resolution of the Parliament of the European Communities on the Gabčíkovo-Nagymaros Barrage, 25 June 1993. 429
- Annex 178. Council of Europe, Memorandum on Council of Europe practice with regard to State succession in the matter of treaties, 12 January 1994. 430
- Annex 179. Resolution of the Parliament of the European Communities on the Gabčíkovo-Nagymaros Barrage, 12 February 1994. 436

Annex 1

LETTER FROM MR. ENDRE SÍK, HUNGARIAN PERMANENT REPRESENTATIVE TO THE DANUBE COMMISSION, TO MR. G. MOROZOV, PRESIDENT OF THE DANUBE COMMISSION, 5 NOVEMBER 1951

Hungarian Ministry of Foreign Affairs
002257/1951

to Mr. G. Morozov
Danube Commission
G a l a c

To utilise part of the Danube's hydro-power, the Ministry of Mines and Energy envisages the construction of a hydro-electric power plant on the river between Visegrád and Zebegény (river kilometres 1695 to 1701).

The envisaged structure consists of three sections: the weir built into the riverbed, the hydro-power plant and the ship locks.

The hydro-electric power plant is planned for a water discharge of 2,500 m³/sec (37% duration of the year), presumably divided into 8 to 10 machine units.

The weir is planned with 12 openings of 27 m width. It is intended to close the openings by a sliding gate system.

The lowest Danube water in the section of the structure will be 100.50 m above the Adriatic, and the headwater will be 108.50 m above the Adriatic, i.e. the largest water level difference will be 8.00 m. To compensate for the difference in water levels, two twin locks of 24 m width, 230 m useful length and 3.50 m sill depth are designed, in such a way that one lock - in order to shorten the sluicing period for smaller ships and for saving water - is divided by a central gate into 90 m and 140 m long sections. The gates of the lock are of the cheek gate or raising gate configuration.

Since the establishing of the envisaged hydro-electric power plant will influence Danube along the relevant section of the river, I am requesting you Mr. Secretary to advise me on the standpoint of the Danube Committee concerning the following:

1. Conceptual opinion on the establishing of the barrage
2. Number, main dimensions and performance of the locks to be constructed in association with the barrage
3. Eventual particulars of additional importance: damming height, type of dam, width of opening, determination of sill height, etc.

Budapest, 5 November 1951

(Endre Sík)
The permanent representative of the
Hungarian People's Republic to the
Danube Committee

Annex 2

REPORT OF THE SEVENTH CMEA SESSION, BERLIN,

30 MAY 1956

On the agenda of the CMEA's 7th session held in Berlin were the following questions:

- I. The proposal of the commissions delegated for the harmonisation of the most important branches in the economy of states belonging to the CMEA;
- II. the introduction of the multilateral clearing of accounts between the states belonging to the CMEA;
- III. the work - programme of the permanent commission for the exchange of electric energy and harnessing of the Danube's water - potential;
- IV. the establishment of permanent sectorial committees on questions related to economy and technical - scientific co-operation;
- V. the preparation of reports and proposals necessary for the meeting of government and party.

The results of the session could be summarised as follows in regard to the items of the agenda:

I....

II....

III. The work - programme for the exchange of electric energy and for the comprehensive harnessing of the Danube's water potential.

The accepted work - programme fits with our attempts on the one hand to establish an adequate connection between the electric networks of Hungary and the other 'people's democratic states', primarily Czechoslovakia, Poland, and the GDR; on the other hand, to harness the Danube's water - potential, partly for the establishment of water - power plants and partly for the recent much more intensive utilisation for navigation and immigration, and at the same time to achieve enhanced flood - protection. On the joint - Danube sections (thus on the Hungarian - Czechoslovak border also) the harnessing of the Danube's water - potential must be jointly planned by the states along the Danube.

Annex 3

PROTOCOL

ON THE JOINT NEGOTIATIONS AIMED AT THE INVESTIGATION OF THE UTILISATION SCHEME OF THE DANUBE SECTION FROM WOLFSTHAL-BRATISLAVA TO THE VILLAGE OF FAJSZ., BUDAPEST, 10-15 JANUARY 1958

Those present were:

Representing the Czechoslovak Party:

1. Cestmir Stoll, President of the Water Management Administration of Czechoslovakia
2. Emil Polák
3. Peter Danisovic
4. Eduard Razga

Representing the Hungarian Party:

1. Imre Dégen, Head of the National Water Administration
2. György Osztrovszky
3. Dr. Emil Mosoni
4. Károly Ziegler
5. Vilmos Illei

Representing the Soviet Party:

1. G.A. Russo, Head of the Hydroproject Institute
2. V.D. Galaktionov.

The meeting was called on the initiative and invitation of the Hungarian side. The participants of the discussions were informed on the situation regarding planning and simultaneously they have visited the sites of structures to be erected on the upper Danube. In addition, for consultation, the Hungarian Party put forward the general issues of concept associated with the scheme of utilising the Danube.

Having explored and discussed the material in detail, the parties made the following resolutions on the fundamental issues concerning the utilisation scheme of the Danube:

A. Upper Danube Section

1. As the starting points of this section, the Wolfsthal upper dam and the Nagymaros lower dam were accepted.

2. For the utilisation of the Danube section between the lower reach of the Wolfsthal hydro-electric power plant and the upper reach of Nagymaros it is advisable to accept a single power plant, by-pass canal approach. In this respect, it is necessary to elaborate on the following:

- a) the sites of the weir and the place of water extraction as well as the trace-line of the canal must be accurately identified, in line with the water extraction assumed at 1856 and 1853 river kilometres, respectively;
- b) the level of headwater at the water intake must be accurately identified between limits of 131 and 132 m above the Adriatic;
- c) the standard water yield of the by-pass canal and the minimum water yield to be ensured in the abandoned Danube bed must be accurately determined.

3. In order to resolve the issues listed in point 2, a joint technical sub-committee is to be set up, in which Hungarian and Czechoslovak representatives and a representative of the Soviet Hydroproject Institute would participate.

4. The upper water level and the final water yield of the envisaged Nagymaros hydro-electric plant must be determined. It would be desirable to raise the normal reach to 108.50 m or higher above the Adriatic and the final water yield to more than 3000 m³/sec.

5. The effect of barraging in the territories of the two countries must be accurately identified from the aspects of flooding and the raising of the groundwater level, by indicating the damages caused and the efficient engineering protection measures to be taken.

6. A technical sub-committee is to be formed with the participation of the authorised representatives of Czechoslovakia and Hungary and the representative of the Soviet Hydroproject, in order to elaborate the issues outlined in points 4 and 5 of the protocol.

For the assessment of the damages caused by flooding and for the protection measures, the sub-committee will follow the resolutions of the Hungarian-Czechoslovak technical committee passed at its IV Session on 14 December 1953.

7. The Hungarian VIZITERV must accelerate the planning of the Nagymaros barrage, and must aim at cost-efficient approaches in the layout of the plant, in the configurations of the structure and in the organisation of work (the construction of a single navigation lock, structural simplifications, use of construction materials available from the site).

8. Deadlines:

- a) The sub-committees will start their activities in February 1958 and will draw up their reports before the end of March 1958.
- b) At the meeting of the joint technical committee to be held in early April 1958 in Prague, the reports will be discussed and a proposal made to the government committee.
- c) Until 1 May 1958 the utilisation plans relating to the shared section of the Danube must be prepared and submitted for discussion and approval to the Czechoslovak and Hungarian government committee. The investigated and approved scheme must be submitted to COMECON before the end of May 1958.
- d) The Parties shall make a proposal to their relevant government organisations that the government committee meeting should take place in early May 1958 instead of the originally envisaged timing, since the materials have to be prepared.

9. The issue of whether the Nagymaros power plant would be built alone by the Hungarian Peoples Republic or jointly with the Republic of Czechoslovakia will be submitted to the government committee meeting to be held in early May.

B. The Danube section downstream from Nagymaros

According to the VIZITERV plans, the utilisation of the Danube section downstream from Nagymaros will be ensured by two barrages, to be constructed in the vicinity of Adony and Fajsz. According to the calculations carried out, these barrages are less cost-efficient than the Nagymaros plant and the by-pass canal. In the course of the future planning activities, the sites and reach (highest water level) of these barrages must be accurately identified, and the navigation requirements are to be taken into consideration.

C. On co-operation and aid

The Parties consider it advisable to develop relations and to ensure an exchange of experience in the fields of planning, geological exploration and hydro-construction.

1) At the request of the Parties, the Soviet Hydroproject Institute is preparing methodological instructions before the end of February 1958 to determine the cost-efficiency indicators of the dams and on the sharing of the total investment cost between the national economic sectors. This will be passed through COMECON to each design office dealing with the comprehensive utilisation of the Danube, for further examination and for comments by specialists. After taking into consideration the opinions, the Hydroproject Institute of the Soviet Union will draw up the final text of instructions, which will be submitted for approval to the Standing Committee of COMECON .

2) The Hungarian and the Czechoslovak Parties consider it necessary to delegate ten Hungarian and ten Czechoslovak experts to the Soviet Union's Hydroproject Institute, where for one month they would study planning, geological exploration and scientific research as well as the construction problems of hydro-structures similar to those envisaged for the Danube. The Soviet Hydroproject Institute will delegate five experts to the Hungarian and five experts to the Czechoslovak design offices for a period of one month. to study the Danube designs and to also ensure the necessary technical aid. 3) The Standing Committee of COMECON must be requested to handle the exchange of scientific technical literature, and the exploration and research studies , provided that they have practical significance from the aspect of planning and constructing hydroelectric plants on the Danube.

Budapest 15 January, 1958

(signatures)

Cestmir Stoll Imre Dégen G.A. Russo

The copy is authentic

(seal and signature)

937/GKT/58 TOP SECRET!
 Of special importance!
 Drawn up: in 45 copies
 copy 65

CLOSING PROTOCOL

ON THE NEGOTIATIONS HELD IN PRAGUE ON 6 AND 7 OF OCTOBER, 1958 BETWEEN THE GOVERNMENT COMMITTEES OF THE HUNGARIAN PEOPLES REPUBLIC AND THE REPUBLIC OF CZECHOSLOVAKIA ON UTILIZING THE HYDRO-POWER OF THE DANUBE BETWEEN BRATISLAVA AND NAGYMAROS.

The Government Committees of the Hungarian Peoples Republic and the Republic of Czechoslovakia discussed on the 6 and 7 of October 1958 in Prague the issue of jointly harnessing the hydro-power of the Danube. The members of the delegations were as follows :

Hungarian Government Committee:

Antal Apró,

First Deputy of the Prime Minister, Head of the Committee

Árpád Kiss,

engineer, President of the National Planning Office

Imre Dégen,

engineer, Senior Director of National Water Administration

Sándor Csenterics

Deputy Minister for Heavy Industry

György Osztrovszky

engineer, Permanent Deputy of the Hungarian representative to COMECON
 Czechoslovakia Government Committee:

Karel Polacek,

Deputy Prime Minister, Head of the Committee

Otakár Simúnek,

Minister, President of the State Planning Office

Cestmir Stoll,

engineer, First Deputy of the Minister of Energy and Water Management

Josef Kelar,

First Deputy of the Minister of Energy and Water Management.

In the course of the negotiations the government committees clearly made efforts to come to an understanding on the measures to be taken concerning the joint establishment of the hydro-electric power plants on the Danube, to meet increasing demands for electric power in the future in both the Hungarian Peoples Republic and the Republic of Czechoslovakia.

On the basis of the preliminary discussions held so far, the government committees have come to the following understanding:

1.a) In principle the government committees agree to establish, on the basis of joint planning and joint investment, hydro-electric power plants on the Hungarian-Czechoslovak section of the Danube

and the two states consider it desirable to harness the hydro-power of the Danube jointly in the section between Bratislava and Nagymaros.

b) The two government committees agree to envisage the construction of the Danube hydroelectric-power plants in the long range national economic plan of the Hungarian Peoples Republic and the Republic of Czechoslovakia, ranging until 1975.

2. The two government committees agree that first of all the joint Danube hydro-electric power plant of Nagymaros should be built on the Danube in the years between 1961 and 1965. To this end, the Hungarian-Czechoslovak special committee will ensure that the plans of the hydroelectric power plant are prepared before the 1st of September 1959.

3. The two government committees are in agreement that the National Planning Office of the Hungarian Peoples Republic and the State Planning Office of the Republic of Czechoslovakia, should discuss the optimal schedule of the Nagymaros hydro-electric power plant - with the contribution of the members of the Hungarian-Czechoslovak expert committee - submitting to their governments for approval before 15 October 1959 the coordinated plan for constructing the joint Nagymaros hydro-electric power plant in the years 1961-65. In discussing the schedule of construction and the plan proposal, the option of commencing the activities in 1960 should also be taken into consideration.

4. The two government committees acknowledge that concerning the utilization scheme of the joint Danube section, the results of the work carried out so far by the Hungarian-Czechoslovak expert committee are not sufficiently accurate and complete to enable reliable decision making on the utilization scheme of the Danube section between Bratislava and Nagymaros.

Therefore, the Hungarian-Czechoslovak expert committee will ensure on a comprehensive basis the elaboration of more accurate and comparative initial data (on a uniform basis) for the whole section between Bratislava and Nagymaros, in four scenarios:

- a) the by-pass canal to be located along the left-hand side bank of the Danube,
- b) the by-pass canal to be located along the right-hand side bank of the Danube,
- c) by-pass canal located partly on the left-hand side and partly on the right-hand side banks of the Danube,
- d) river-based hydro-electric power stations.

The joint expert committee will evaluate these scenarios, and make a proposal to the government committee on the most advantageous solution and on the scheduling of each hydroelectric-power station. The related document will be submitted before the end of 1960 for approval to the Hydroproject Institute of the Soviet Union.

5. The two government committees agree that the current results of the activities carried out so far on the utilization scheme of the joint Danube section must be submitted to the secretariat of the COMECON Technical and Scientific Cooperation Standing Committee of Energy Matters, with the understanding that the complete scheme shall be determined in accordance with point 4, between the fixed points i.e. Wolfsthal-Bratislava and the Nagymaros hydroelectric-power plants .

6. The two government committees agree that the documents for the proposal concerning the division of generated energy between the parties and for the proposal relating to the sharing of the implementation costs of each hydroelectric-power plant and the investment, will be prepared by the joint Hungarian-Czechoslovak expert committee, and will be submitted to the government committees before 15 March 1959. These measures will not lead to a delay in the development of preparations for the Nagymaros hydroelectric-power plant .

7. The two government committees agree that for the construction of each joint hydroelectric-power plant, the preliminary agreement of both governments is necessary. Drawn up in Prague, on the 7 October 1958, in two original copies containing Czech and Hungarian texts, both being equally valid.

Representing the Hungarian Committee:	Representing the Czechoslovak Committee:
Antal Apró	Poláček
(signature)	(signature)

Annex 5

MEMORANDUM ON NEGOTIATIONS OF THE GOVERNMENTS OF HUNGARY AND CZECHOSLOVAKIA,
BUDAPEST, 13-14 NOVEMBER 1967

The negotiation was initiated at the proposal of the Government of the Czechoslovak Socialist Republic. The discussions were carried out in a friendly spirit on the basis of mutual understanding.

The participants of the negotiations were:

From the Hungarian side

Imre Dégen, engineer - head of the National Water Administration, head of the Hungarian delegation

Dr István Hetényi - Vice President of the National Planning Office

György Vajda, engineer - Head of Main Department at the Ministry of Heavy Industry

Miklós Breinich, engineer - Deputy Head of the National Water Administration

Experts

Dr István Gábor, engineer - OVF (National Water Administration), DUNABER director

Vilmos Illei, engineer - chief project engineer of OVF VIZITERV

László Kócsvay, engineer - head of department of the Ministry of Heavy Industry

On the Czechoslovak side

Josef Smrkovsky - Minister of Forestry and Water Management, head of the Czechoslovak delegation

Frantisek Kord, engineer - President of the State Planning Committee, Deputy Minister

Julius Pavlis, engineer - Deputy Minister of the Slovak Technical Committee

Ladislav Rehacek - Deputy Minister entrusted with heading the Central Energy Administration

Julius Hanus, engineer - Deputy Minister of Forestry and Water Management

Experts

Jiri Borna, engineer - Head of the Danube Department of the Ministry of Forestry and Water Management

Karel Hofmann, engineer - senior expert of hydroenergy matters at the Central Energy Administration.

The Parties agreed upon the following series of discussions:

I Controlling energy the execution of tasks determined in association with the hydroelectric-power plant system on the Danube, at session IV of the Hungarian-Czechoslovak Economic and Technical-Scientific Co-operation Joint Committee.

II The Czechoslovak Party's proposal on elaborating an alternative version of the joint Hungarian-Czechoslovak hydro-electric power plant system of the Danube.

Each point in the series of discussions was discussed as follows:

Re. I:

Controlling the execution of tasks determined in association with the hydroelectric-power plant system on the Danube, at session IV of the Hungarian-Czechoslovak Economic and Technical-Scientific Co-operation Joint Committee. The parties investigated the execution of tasks stemming from the resolutions on harnessing the Hungarian-Czechoslovak Danube section, made in Session IV of the "Joint Committee".

The joint investment programme concerning the by-pass canal version of the Danube hydroelectric power plant system was completed by the specified deadline, that is by 30 April 1967.

The Hungarian Party submitted the joint investment programme, together with the supplements in line with the Hungarian regulations, to the relevant senior authorities for comments, and has already started the reconciliation of comments.

The Czechoslovak Party has not yet submitted for comments the joint investment programme together with the supplements corresponding to the Czechoslovak regulations, because of the reasons described in point II of the Minutes.

Due to the same reason, the Parties did not submit the joint investment programme to the "Joint Committee" on 30 June 1967.

Re II

The Czechoslovak Party's proposal on elaborating the alternative version of the joint Hungarian-Czechoslovak hydro-electric power plant system on the Danube

The head of the Czechoslovak delegation informed the Hungarian Party of the reasons according to which the Czechoslovak authorities proposed working out an alternative version for the Hungarian-Czechoslovak hydro-electric power plant system on the Danube.

So as to complete this explanation, they have given technical information concerning the recommendation to implement the alternative version, the main points of which can be summarised as follows.

The question of selecting the final approach to the hydroelectric-power plant system on the Danube was subject to discussions between the organisations involved and the government of the Czechoslovak Socialist Republic. In evaluating the by-pass canal version and the total implementation of the system, not only were the issues of the technical set-up examined, but also the intensity of investment, the gradual and scheduled implementation, the issue of concentrating and using the construction capacities etc.

On the basis of a consideration of these problems, the Government of the Czechoslovak Socialist Republic came to the conclusion that in order to select the optimum solution which would be the most advantageous to both Parties, it is considered necessary to elaborate a so-called alternative version for the Danube section of Bratislava-Kliska Nema, which would meet the following conditions:

a) Primarily it would enable a putting into operation on a gradual basis, resulting - contrary to the scenarios investigated so far - in a much lower capacity and assets input, a shorter period to put into operation the first plant and thus during the construction period, in a reduction of losses resulting from the unproductive tying up of the investment costs.

b) Division of the construction activities between the two Parties with an equal work load, in terms of both extent and labour intensity.

c) Keeping the Danube river in the current riverbed as much as possible. It is to be considered, however, whether a short by-pass canal solution of the two barrages could be used, with insulated head-race canals, a lower damming level above the terrain and perhaps the utilisation of a split tail-race canal which could eventually be linked to the hydroelectric-power plants.

d) The application of such technical approaches that would ensure the impermeability of the reservoirs, and also, favourable conditions for the groundwater level in the surrounding areas.

e) Efforts should be made so that in the involved territories natural biological conditions are disturbed as little as possible and furthermore, that the most advantageous conditions are developed for the economic utilisation of areas along the Danube, and that the least possible burden is placed on the agricultural and forest areas.

The alternative version will join the envisaged Czechoslovak-Austrian Wolfsthal-Bratislava hydroelectric-power plant and the Hungarian-Czechoslovak Nagymaros hydroelectric-power plant similarly to the by-pass canal version planned for Gabčíkovo-Nagymaros. According to the concepts developed so far, the alternative version would consist of two barrages of approximately identical gradient with a by-pass canal, and each barrage would have its independent river reservoir and a short by-pass canal.

The alternative version is to be developed to the same standard as the by-pass canal approach and the final version is to be selected after the assessment of the most important considerations.

The fundamental data are calculated on the basis of common basic principles determined by the central investors. Because the projects of the alternative version are split equally between the two parties in a geographical sense, each party will plan the structures on its own area, including the necessary exploration and exploitation activities.

Developing the alternative version to a standard comparable to the by-pass canal approach requires a period of one or one and a half years according to current belief and this means that the material will be prepared in the first half of 1969, which is the final deadline for the results of the work to be used during negotiations between the planning offices of the two countries concerning co-operation after 1970.

After completing this briefing, the Czechoslovak Party handed over to the Hungarian Party a more detailed plan of the alternative draft version.

The Hungarian Party announced that it would examine the suitability of developing this new concept and before 15 January 1968 it will inform the Czechoslovak Party with regard to the standpoint of the relevant government agencies of the Hungarian Peoples Republic. The Hungarian Party still considers the Gabčíkovo-Nagymaros by-pass canal version as the optimal solution for utilising the shared Hungarian-Czechoslovak Danube section. At the same time it believes that if a joint work would be carried out in association with the alternative scenario, it is sufficient to elaborate this alternative version to the same degree as the by-pass canal version.

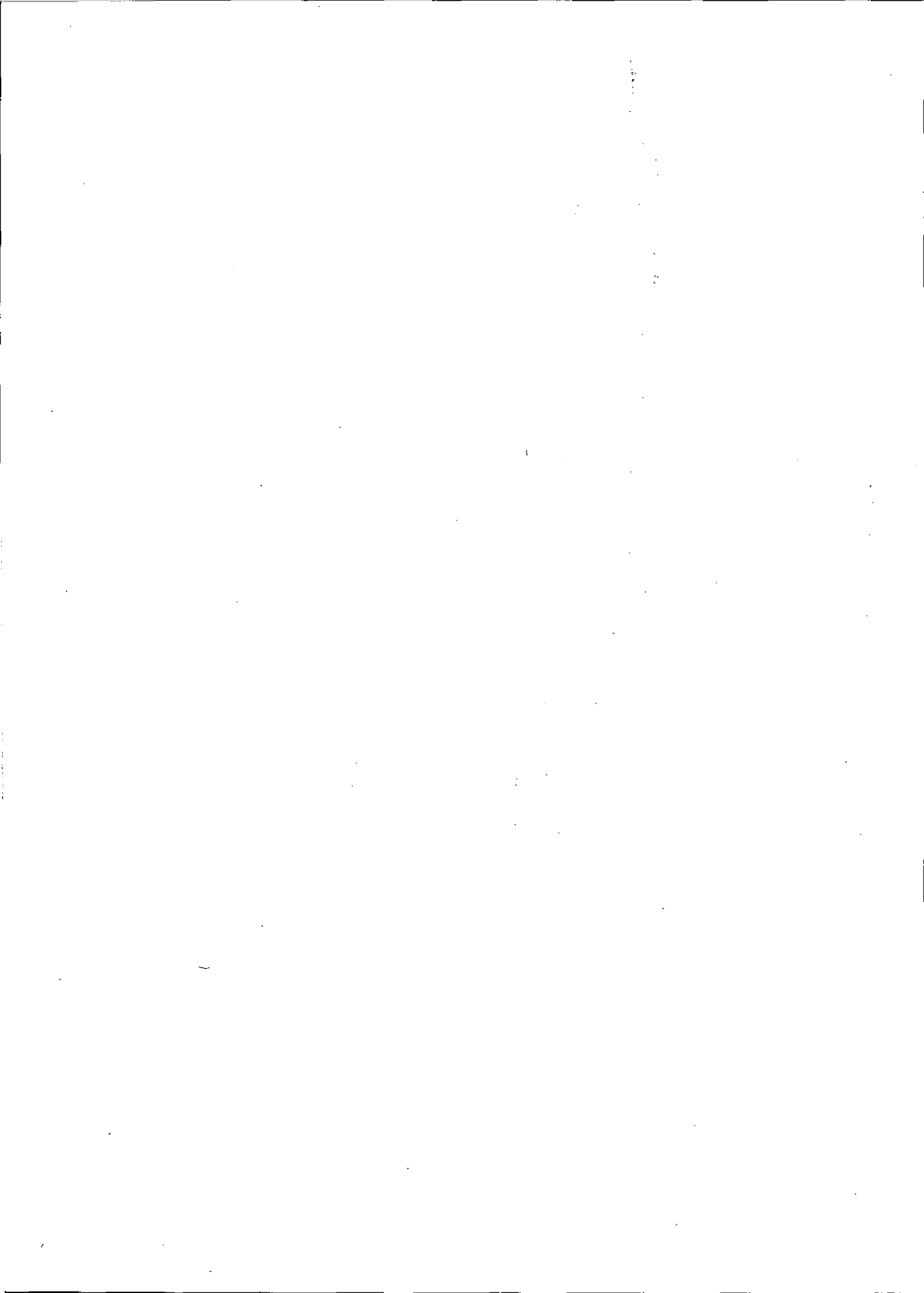
The Parties agree that the Central Investors will make a more detailed determination in December 1967 about the concept, degree of elaboration, schedule and elaboration costs of the alternative scenario to be worked out jointly.

These Minutes were drawn up in two copies in the Hungarian and Czech languages each, both copies being authentic.

Budapest 14 November 1967

Imre Dégen (signature)
Head of the Hungarian
Delegation

Josef Smrkovsky (signature)
Head of the Czecho-
slovak Delegation



Annex 6

NOTE VERBALE FROM THE HUNGARIAN MINISTRY OF FOREIGN AFFAIRS TO THE EMBASSY OF THE
CZECHOSLOVAK SOCIALIST REPUBLIC, 23 JANUARY 1974

NOTE VERBALE

Only for official use!

762/1974

Prague

Bratislava

Pollution of boundary waters on
Hungarian-Czechoslovak section

1 copy

For your information in the appendix I am sending you the copy of a *Note Verbale*, which was delivered by Comrade Roska, Deputy Prime Minister, to Dvorsky, the ambassador in Budapest, on 23 January 1974 on the above subject.

Budapest, 28 January 1974

Dr. Ustor Endre
Ambassador
Head of Department

The Ministry of Foreign Affairs of the Hungarian People's Republic presents its compliments to the Embassy of the Czechoslovak Socialist Republic and has the honour to present the following:

It is of great importance for both countries to solve the technical and economic problems concerning boundary waters by a joint effort. To this end in determining and executing the related tasks, the most effective co-operation is needed. In recognising the importance of this question and in order to strengthen the friendship of our two neighbouring socialist countries, through the co-operation of water-management bodies, Hungary and Czechoslovakia had already on 16 April 1954 concluded an Agreement on the regulation of technical and economic questions concerning the frontier waters. On the basis of this Agreement, and on the basis of decisions reached by the Joint Technical Committee formed according to this Agreement, a profitable co-operation had evolved in the solution of several problems concerning boundary waters. As a part of this, the water management bodies of the two countries also made efforts to regulate and provide for the necessary co-operation to eliminate or diminish the serious pollution which has emerged over recent years.

The effective measures for preventing the pollution of boundary waters are of great importance, since if these measures are not taken pollution may cause severe damage to industry, the agriculture and the population of the lower riparian countries. In connection with this, the Hungarian water management bodies optimistically acknowledge the planned measures to be taken by the Czechoslovak Socialist Republic for improving the water-purification parameters for the Danube.

The necessity of further measures on the pollution prevention of boundary waters is proven by the fact that recently more and more frequent catastrophical waves of pollution were observable on the Hungarian-Czechoslovak joint river section. This pollution came from the territory of the Czechoslovak Socialist Republic.

In order to minimise damage stemming from such waves of pollution, at the Hungarian-Czechoslovak Joint Technical Committee's XXIXth session the two parties have agreed on the method for indicating sudden pollution in boundary waters. According to this agreement the Parties obliged themselves to inform the other party by telephone or telegraph of every pollution of boundary waters without any delay, in order to provide the conditions for immediate action. This provision is encompassed in subsection 4 of section 16 of the said meeting's protocol, approved by both the Hungarian and Czechoslovak competent governmental bodies. The approval is stated also in the Protocol of the Joint Technical Committee from its XXXth session held in June 1969.

The Hungarian party regrets to state that in spite of the above mentioned agreement the competent Czechoslovak water management bodies had several times failed to fulfil this obligation.

This happened in the case of enormous pollution passing down the Hernád between 2-10 February 1973. It took 8 days of serious effort to clear it away. Mention must be made of the oil pollution of the river Bodrog on 8 November, which by 9th of November had already completely covered the river for a length of 8 kilometres reaching the line of Bodrogkeresztúr. A couple of days after this the Hungarian authorities registered extraordinary water pollution on the Sajó river, then once again on the Bodrog river on 14th of November.

The usually unexpected and unpredicted industrial water pollution of a concentrated and enormous extent does not allow Hungarian water management bodies to prepare themselves for prevention, thus lessening the effectiveness of prevention itself, and raising the costs of prevention. As a consequence of this lack of readiness considerable damage results on Hungarian territories, a part of which could be avoided in the event of a timely forecast.

To illustrate the degree of damage caused, let us refer to the time when water pollution passed down the Hernád river between 2-10 February. On that occasion 40.000 kilos of fish died; at the Bőcs brewery the stoppage of production occurred, then the production of 32 thousand KWh energy failed, the

operation of the "Felsődobsza" waterworks had to be limited for some days and this affected 4000 citizens, and so on; the total damage was in the region of 8 million Forints.

The Ministry of Foreign Affairs of the Hungarian People's Republic asks the Embassy to intercede with the Government of the Czechoslovak Socialist Republic in order to stop and prevent in the future the above depicted situations, to influence Czechoslovak water management bodies to make every effort to prevent pollution on boundary waters. In the event of - hopefully exceptional - cases where they cannot prevent such sudden pollutions as the above mentioned, the competent bodies shall comply with the provisions of the agreement on forecasting reached by the Hungarian-Czechoslovak Joint Technical Committee.

The Ministry of Foreign Affairs of the Hungarian People's Republic with due respect asks the Embassy in communicating the above to stress that it would be extremely important for the competent Czechoslovak bodies to thoroughly and in good faith examine the above described factual and legal situation, and to take the necessary steps. Such an attitude would prevent serious damage to the Hungarian economy, and at the same time it would be absolutely in accordance with the brotherly friendship and co-operation which in every respect exists and develops between our countries.

Annex 7

LETTER FROM MR. ISTVÁN HUSZÁR, HUNGARIAN DEPUTY PRIME MINISTER, AND MR. ROHLICEK, CZECHOSLOVAK DEPUTY PRIME MINISTER, TO MR. LESETSKO, SOVIET DEPUTY PRIME MINISTER, 25 OCTOBER 1974

**Attention of Presidents of Hungarian
and Czechoslovak sections of the
Joint Hungarian/Czechoslovak Commission
for Economic Technical and Scientific
Co-operation**

Prague, 25 October, 1974

Dear Comrade Lesetsko:

The Gabčíkovo/Nagymaros barrage system constitutes an integral part of the comprehensive programme for the development of socialist economic integration of the COMECON countries and at the same time, it promotes the realisation of objectives arrived at for the comprehensive use of the Danube and supports the interests of countries participating in navigation along the Danube. Both the Hungarian and Czechoslovak Governments agree to the expedience of an implementation of the barrage

The governments of both countries concerned carried out the preparatory work for this investment project in a manner enabling a start to construction in 1978.

The limitation of national resources as well as other important investments being initiated simultaneously with the implementation of this barrage system considerably increase the burden of the two countries concerned. This circumstance necessitates the attraction of resources from other Danube countries, to a partial if not a full extent.

With regard to the foregoing, we would like to make a request to Comrade Lesetsko. We beg to ask you to allow us to organise a trilateral U.S.S.R.-Czechoslovak-Hungarian consultation for the promotion of the realisation of the said barrage system with your participation at a date suitable to you.

Please find attached hereto considerations relating to the project financing which we would like to discuss with you.

Yours fraternally,

Rudolf Rohlíček
Deputy Prime Minister of
the Czechoslovak Socialist
Republic

István Huszár
Deputy President of
the Cabinet of the Hungarian
People's Republic

Annex 8

LETTER FROM MR. A KOSSYGIN, SOVIET PRIME MINISTER, TO MR. GYÖRGY LÁZÁR, HUNGARIAN PRIME MINISTER, 9 JUNE 1975

Moscow, 9 June 1975

Dear Comrade Lázár,

The Soviet Government has carefully examined the Hungarian government's request of 27 February 1975 that it grant credit to the Republic of Hungary for the planned construction of the Gabčíkovo-Nagymaros Danube barrage system.

In our opinion, it would be expedient if you would discuss at an expert level the concrete volume of possible aid to be granted by the Soviet Union in the areas of planning operations and delivery of certain types of equipment. Afterwards we would be able to determine the conditions for granting assistance.

The Council of Ministers State Committee for Foreign Economic Relations has received the authority to hold these discussions with the participation of the interested organisations. If you agree to this, representatives of the parties may begin these discussions in the near future.

Respectfully,

A. Kossygin
President of the Council of
Ministers of the Soviet Union

To Comrade György Lázár
President of the Council of Ministers
of the People's Republic of Hungary
Budapest

- Milan Chrapciak Engineer - representative of the contractor for the energy aspect ? of the project
- Zoltán Gemeran Engineer - representative of the general planner of the project
- Sándor Miroslav Engineer - representative of the CSR's Government Plenipotentiary

The Government Plenipotentiary for the Hungarian People's Republic (HPR) appointed the following persons to be members of the Hungarian section of the Joint Operational Group :

- Miklós Szántó Engineer - representative of the investor, Head of the Hungarian section of the Joint Executive Committee
- a representative for the energy aspect of the project. He shall be appointed later.
- István Dobó Engineer - representative of the general planner of the project
- a representative of the Government Plenipotentiary of the HPR. He shall be appointed at a later date.

The Joint Operational Group shall commence its activities on 1 January 1981. At the same time the Joint Co-ordination Group of investors and planners shall cease its activity.

ad 3. According to Article 9. of the Agreement on Joint Operational Regulations the range of authorities of the Joint Technical Group shall be transferred to the Government Plenipotentiaries.

The Government Plenipotentiaries shall commission the Secretaries of the Joint Technical Committee (JTC) to prepare a report on the activities of the JTC and to submit this report to the next meeting of Government Plenipotentiaries. The Government Plenipotentiaries shall also decide on further measures concerning ongoing activities after having discussed the report.

ad 4. A working programme of negotiations for the Joint Operational Group shall be adopted by Government Plenipotentiaries for the 1st half of 1981. The programme is contained in Appendix 2. of this Protocol.

ad 5. The Government Plenipotentiaries reached an agreement to discuss the following topics at their next meeting:

1. Report on the Joint Technical Committee's activities.
2. Report on the Joint Operational Group's activities.
3. Refinement of the content of tasks and deliveries specified in Article 2, Paragraph (3) of the Agreement on Mutual Aid Related to the Construction of the Gabčíkovo-Nagymaros Dam System.
4. Refinement of Chapters 7 and 8 of the Executive Guidelines concerning Hungarian-Czechoslovak co-operation for the preparation and construction of the Gabčíkovo-Nagymaros Dam System.
5. Proposals for the modification of the technical aspect of the Joint Contractual Plan.
 - 5.1. Breaks for bridges ? on access road to the Dunakiliti weir?;
 - 5.2. Shifting the axis of the tail-race canal .
6. Revision of the output end of the Nagymaros hydroelectric power plant.
7. Questions related to the organisational structure underlying, and mode of operation, of the hydroelectric power plant.
8. Other matters.

The Government Plenipotentiaries commissioned the Joint Operational Group to prepare the materials of the next meeting.

ad 6.

6.1. The Government Plenipotentiaries commissioned the Joint Operational Group to investigate opportunities for the mutual utilisation of specialised construction machinery.

6.2. The Government Plenipotentiary for the CSR invited the Hungarian party to investigate opportunities for the transportation of a 16 tonne floating crane from the HPR within the framework of plan co-ordination between the HPR and the CSR.

The Government Plenipotentiary for the HPR shall investigate the above and inform the Czechoslovak party of transportation prospects.

This Protocol has been prepared in two original copies in Hungarian and Slovak. Both copies shall be equally and fully authentic.

Budapest, 26 November 1980

Government Plenipotentiary
for HPR:
(:Dr. Miklós Breinich:)
Engineer

Government Plenipotentiary
for CSR:
(:Vladimir Lokvenc:)
Engineer

APPENDIX I.

TO THE PROTOCOL OF THE MEETING OF GOVERNMENT PLENIPOTENTIARIES OF 24-26 November 1980

Provisions Governing the Organisational Structure and Activities of Joint Bodies of Government Plenipotentiaries

1. Provisions Governing the Organisational Structure and Activities of the Joint Committee

1.1. The Joint Committee shall discuss and assess matters submitted by the Government Plenipotentiaries - concerning the preparation and execution of the joint investment - as well as recommend decisions to be taken by the Government Plenipotentiaries.

1.2. The Joint Committee consists of the following:

Czechoslovak Section of the Joint Committee:

- CSR Deputy Minister for Forestry and Water Management
- Representative of the CSR Federal Ministry for Heating Fuels and Energy
- Representative of the State Committee for Planning
- Representative of the Federal Finance Ministry
- Representative of the Ministry of Metallurgy and Heavy Industry
- Representative of the CSR Ministry of Construction
- Head of the Czechoslovak Section of the Joint Operational Group
- Secretary of the Czechoslovak Section of the Joint Committee

Hungarian Section of the Joint Committee:

- Representative of the Ministry of Machinery
- Representative of the National Planning Office
- Representative of the Finance Ministry
- Representative of the Ministry of Metallurgy and Machinery
- Representative of the Ministry of Construction and Urban Development
- Head of the Hungarian Section of the Joint Operational Group
- Secretary of the Hungarian Section of the Joint Committee

1.3. The agenda, location and time of Joint Committee meetings shall be determined by the Government Plenipotentiaries. To Joint Committee meetings may be invited, upon the mutual agreement of the Government Plenipotentiaries, further representatives of government agencies, heads of other bodies of Government Plenipotentiaries and other experts. Joint Committee meetings shall be presided over by the Government Plenipotentiary of the country hosting the meeting in question.

1.4. The Joint Committee shall conduct its discussions on the basis of written materials prepared jointly. In extraordinary cases a oral report, delivered either by a Government Plenipotentiary or another member of the Joint Committee upon the commission of the Government Plenipotentiary, may also serve as a basis for discussion.

1.5. Measures of the Joint Committee shall be adopted on the basis of an agreement between the Government Plenipotentiaries. Disputes must be settled in accordance with Point 27. of the Agreement.

1.6. A Protocol shall be drawn up for all Joint Committee meetings, to be signed by the Government Plenipotentiaries.

2. Provisions Governing the Organisational Structure and Activities of the Joint Operational Group

2.1. The Joint Operational Group shall engage in executive tasks as commissioned by the Government Plenipotentiaries. It also prepares materials and drafts position for meetings of the Government Plenipotentiaries and Joint Committee meetings.

2.2. The Joint Operational Group shall be commissioned by the Government Plenipotentiaries to carry out the following tasks in particular:

2.2.1. management and co-ordination of activities related to the working out of joint planning documentation;

2.2.2. management and co-ordination of the working out of executive plans in relation to projects executed by one Contracting Party on the territory of the other Contracting Party;

2.2.3. monitoring that the construction of the Barrage System is carried out in a co-ordinated fashion on the territory of both Contracting Parties in accordance with the approved Joined Contractual Plan and the Construction Schedule.

2.2.4. ensure the inspection of works and transportation; ensure co-ordination between various bodies of the Contracting parties; submission of reports of its findings to Government Plenipotentiaries with proposals for measures to be taken attached;

2.2.5. submission to the Government Plenipotentiaries of proposals and statements in respect of modifications concerning technical solutions incorporated in the approved Joint Contractual Plan;

2.2.6. assessment of the necessity and extent of extra costs resulting from circumstances specified in Article 7. of the Treaty; submission of such assessments to the Government Plenipotentiaries with an expert opinion attached;

2.2.7. keeping of records of deviations from an equal proportion of works and deliveries undertaken by the Hungarian and Czechoslovak parties in cases listed under Article 7. of the Treaty and submission of such records to the Government Plenipotentiaries for approval;

2.2.8. ensuring that individual installations subject to the joint ownership of the Contracting Parties are received from the companies executing them and that they are given for exploitation to the organisations to be in charge of their operation;

- 2.2.9. ensuring that individual installations completed by one Contracting Party on the territory of the other Contracting Party are received from the companies executing them and give for exploitation to the organisations in charge of their operation;
- 2.2.10. assessment of the extent of damages and costs in accordance with Articles 25 and 26 of the Treaty; assessment of causes of damage and liabilities in respect of compensation, and submission of expert opinions to the Government Plenipotentiaries.
- 2.2.11. ensuring the activities of the investment organisations of the Contracting Parties in respect of tasks related to the execution of the joint investment, in accordance with Article 6. of the Treaty;
- 2.3. In appointing members of the Joint Operational Group the Government Plenipotentiaries shall act in accordance with their own organisational regulations.
- 2.4. Joint Operational Group meetings shall be presided over by the Head of the Section of the country of the Working Group on whose territory the meeting in question is being held.
- 2.5. Proposals and recommendations concerning measures to be taken shall be approved on the basis of an agreement to that effect made by the Heads of the Joint Operational Group . Should the Heads of the JEC fail to reach an agreement on any such proposals and recommendations then these shall be submitted individually to the Government Plenipotentiaries.
- 2.6. Heads of the Joint Operational Group shall select members from investment and planning organisations to exercise control over work and deliveries carried out by the other Contracting Party, as well as to participate in mutual technical supervision over the contractor's activities and planning activities carried out by the general planning organisation.

Heads of the Joint Operational Group shall indicate the names and the scope of activity of such persons in the Protocol.

Persons selected in the above manner shall submit their findings, comments and proposals to the Joint Operational Group .

The Government Plenipotentiaries may appoint further experts to exercise control over work and deliveries.

- 2.7. Heads of the Joint Operational Group may invite further experts to participate in their meetings.
- 2.8. Joint Operational Group meetings shall be held in accordance with the schedule specified by the Government Plenipotentiaries. Joint Operational Group meetings may be held upon the request of either head of the Joint Operational Group , preferably at the time requested for the extraordinary meeting. The Contracting Parties shall alternate in hosting Joint Contractual Plan meetings. Conditions for meetings must be provided by the host country of each meeting.
- 2.9. A protocol must be drawn up for each Joint Operational Group meeting. Protocols are to be signed by the Heads of both Sections of the Committee.

Annex 10

LETTER FROM MR. LUBOMIR STROUGAL, CZECHOSLOVAK PRIME MINISTER, TO MR. GYÖRGY LÁZÁR,
HUNGARIAN PRIME MINISTER, 19 OCTOBER 1981

Prague, 19 October 1981

**President Of The Government Of The
Czechoslovak Socialist Republic**

Dear Comrade Lázár!

In harmony with the decisions arrived at during our negotiations of June this year and the negotiations of the Chairman of both groups of the Czechoslovak-Hungarian economic and technical/scientific co-operative committee, held in Prague on 21 September of this year, the further procedures for the joint construction of the Gabčíkovo-Nagymaros Barrage System after 1981 have been examined.

We were informed by Comrade Marjai that the Government of the PRH, with regard to the present state of the fulfilment of the interstate treaty, proposes to the Government of the CSSR that we suspend work on the Gabčíkovo-Nagymaros Barrage System until 1990 on the basis of a joint agreement, due to changes which have occurred since the signing of the treaty.

The Government of the Czechoslovak Socialist Republic has discussed this Hungarian proposal and has concluded that the Czechoslovak Party cannot interrupt work on the barrage system either for technical and economic reasons or for reasons of protection of the region. This would cause irreparable damage to work already completed and the protection of the region and would require an immense passive investment. The Czechoslovak Party could perhaps agree to a slowdown in the timetable of the work for a period of three years. For this reason, it proposed, in the spirit of the decision made during the meeting held between Comrade Marjai, Comrade Rohlicek, and myself, that the experts of both nations examine both proposals and find a solution acceptable to both parties.

The Czechoslovak party has taken the necessary steps, has prepared the guidelines for the negotiations, and is ready to begin negotiations during this month.

Comrade Lázár, please allow me to express my conviction that the negotiating guidelines proposed by the Hungarian Party will consider the economic and political significance of construction for both Parties and the previously expressed position of Czechoslovakia on the continuation of the construction of the Gabčíkovo-Nagymaros Barrage System at a reduced pace according to the interstate treaty.

Respectfully,

L. Strougal

The Honourable
Comrade György Lázár
Chairman of the Council of Ministers of the
Peoples' Republic of Hungary
Budapest

Annex 11

LETTER FROM MR. GYÖRGY LÁZÁR, HUNGARIAN PRIME MINISTER, TO MR. LUBONIR STROUGAL,
CZECHOSLOVAK PRIME MINISTER, 9 NOVEMBER 1981

**The President of the Council of Ministers of the
People's Republic of Hungary**

Comrade Lubomir Strougal
President of the Government of the
Czechoslovak Socialist Republic
Prague

Dear Comrade Strougal!

I have received your letter dated 19 October regarding the Gabčíkovo-Nagymaros Barrage System .

The proposal of the Government of the Peoples' Republic of Hungary which Comrade József Marjai presented at the meeting of the Hungarian-Czechoslovak Economic and Technical/Scientific Cooperative Committee's Co-Chairmen in September of this year was preceded by a thorough examination. Since the signing of the interstate Treaty, there have been great changes in the conditions and the circumstances and for this reason, taking into consideration the present state of development and the delays that have occurred compared to the agreement, we have reached the conclusion that the most worthwhile solution would be to suspend work until 1990, on the basis of a joint agreement.

Naturally, we are carefully studying the position of the Government of the Czechoslovak Socialist Republic on our Government's proposal, as presented in your letter .

I agree that experts from both sides should begin negotiations. For our part, we have created the necessary preconditions. for this .

Please allow me, dear Comrade Strougal, to also take this opportunity to express my best regards.

Budapest, 9 November 1981.

Respectfully,

György Lázár

Annex 12

*AIDE MEMOIRE ON CONSULTATIONS OF THE CO-CHAIRMEN OF THE HUNGARIAN-CZECHOSLOVAK
COMMISSION ON ECONOMIC, SCIENTIFIC AND TECHNICAL COOPERATION, 9 JULY 1983*

Aide Memoire
on the meeting of the co-chairmen of the Scientific and
Hungarian - Czechoslovak commission on Economic,
Scientific and Technical Cooperation.

On 9 July 1983 the meeting of the co-chairmen of the Hungarian - Czechoslovak Commission on Economic, Scientific and Technical Cooperation (hereinafter Commission) took place in Komarom; with Jozsef Marjai, the Deputy President of the Hungarian People's Republic's Council of Ministers on one side and with Rudolf Rohlicek, the Deputy President of the Czechoslovak Socialist Republic on the other. On the agenda of this meeting were acute questions as to the further joint construction of the Gabcikovo-Nagymaros Barrage System.

Béla Kovács, the ambassador of the Hungarian People's Republic in Czechoslovakia, and Andrej Barcak, the ambassador of the Czechoslovak Socialist Republic in Hungary, attended the meeting.

The list of further participants is appended.

1/ The Parties have concluded that the inquiries, in line with high level decisions, concerning the acceptance, by the Czechoslovak party of some of the works assigned initially to the Hungarian side concluded unsuccessfully. From this fact and also regarding the degree of readiness of works on the Czechoslovak side, the Parties agreed that the construction of the barrage system should continue according to the work division defined in the 1977 Treaty on the construction and operation of the Gabcikovo-Nagymaros Barrage System and in the agreement on mutual assistance during the construction, and the schedule on commencement of operation accepted by the XVIIIth session of the Commission should continue.

2/ The co-chairmen of the Commission instruct the plenipotentiaries:

-To commence immediately the working out of a joint work and supply schedule according to the deadlines accepted during the commission's XVIIIth session; namely, the operation of the first machine - unit at Gabcikovo Barrage should be started in 1990, while that of the Nagymaros Barrage in 1993;

- The joint schedule should be worked out in such a way that the detailed evaluation of works to be done in 1984 and 1985 be at the disposal of central planning bodies already working out plans for year 1984;

- To ensure that the legally necessary draft amendments as to the deadlines defined in the 1977 Interstate Treaty on the construction and operation of the Gabcikovo-Nagymaros Barrage System and in the agreement on mutual assistance during construction, be worked out in such a way as to be passed on for approval by the co-chairmen before September 1983.

3/

The co-chairmen of the Commission declare that in the [1977] Treaty and the Joint Operational Plan measures for the protection of nature and environment were - according to the then-available knowledge - taken into account. Both Parties, however, consider it necessary, to seek rational solutions through the necessary and possible modification of the technical plans for the avoidance of unfavourable consequences which may be identified in the course of the realisation [of the Project] and for the improvement of the environment. They also consider it necessary to establish the widest possible co-operation for this purpose.

This Aide Memoire is made in two copies, in Hungarian and Czech languages, both copies being equally valid.

Komarom, 9 July 1983

Jozsef Marjai

Rudolf Rohlicek

Annex 13

AIDE MEMOIRE

ON NEGOTIATIONS OF HUNGARIAN AND CZECHOSLOVAK BOUNDARY WATER COMMISSIONS,
TOPOLCIANKI, 7-8 DECEMBER 1988.

Participants:

On behalf of Hungary:

Dr. László Nagy KVM

Mrs. Sándor Réti OVIBER

On behalf of Czechoslovakia:

Vladimir Mikus MLVD SSR

Frantisek Dohnalik MLVD SSR

Eleonora Hellerova PD

In the course of the negotiations, the following questions have been discussed by the parties:

1 Report on the resolutions of the Hungarian Parliament with regard to the Gabčíkovo-Nagymaros Barrage.

2 Joint tasks related to the protection of the quality of water affected by the Gabčíkovo- Nagymaros Barrage System.

3 Other questions.

Ad 1 The Hungarian Commissioner informed the participants in detail on the resolutions of Parliament with regard to the Gabčíkovo-Nagymaros Barrage System, passed in the course of the autumn session. From among the 8 points task list elaborated by the Hungarian parliament's resolution, it is point 3 that affects to the work of the Commissioners in the Boundary Commission, the other points relating to the activity of the Co-operation Committee and the activity of the plenipotentiaries responsible for GNBS.

Ad 2 The task formulated in point 3 relates to an increasing control of the area affected by GNBS as well as to the protection of the quality of water.

For the sake of efficient co-operation, the Commissioner assigned the task to the submission on water quality to determine the water-quality related impact area of the Gabčíkovo Nagymaros Barrage System, at an extraordinary meeting to be held in January 1989 and in the framework of this activity further specify a construction plan for the sewage water treatment plants on given areas of the two countries. The submission shall also determine the schedule of works and controls at locations needed for the extended protection of the water quality.

Ad 3 In the Commissioner's view it is necessary that the work of the Subcommissions of the Commission and the teams of the GNBS plenipotentiaries be better co-ordinated. At the next meeting, the Representatives shall mutually inform each other of the measures taken to improve co-operation. Considering that as a result of the construction of GNBS the tasks and responsibilities had increased, the Commissioners agreed to meet quarterly in the future. The next meeting of the Commissioners will take place in Hungary, in the first quarter of the year 1989.

Dated 8 December 1988,
Topolcianky

illegible signature illegible signature

(Eng. Vladimir Margetin) (Dr. Miklós Varga)

Annex 14

LETTER FROM MR PÉTER SZÓNYI, HUNGARIAN DEPUTY PRIME MINISTER, TO MR PÉTER HAVAS,
HUNGARIAN PLENIPOTENTIARY 21 MARCH 1989, ENCLOSING MINUTES OF THE PROTOCOL OF THE XXIII
SESSION OF THE HUNGARIAN-CZECHOSLOVAK COMMISSION ON ECONOMIC, SCIENTIFIC AND TECHNICAL
CO-OPERATION, 3 MARCH 1989

Budapest March 21, 1989

Dear Comrade Havas,

Please find enclosed the Minutes taken at the 23rd Session of the Hungarian and Czechoslovak Committee for Economic, Technical and Scientific Co-operation (Prague, March 2 and 3, 1989), as well as the Action Plan compiled for the fulfilment of the tasks undertaken and approved by Mr. Péter Medgyessy, Deputy Prime Minister, Chairman of the Hungarian Section of the Committee.

Please expedite the achievement of the objectives.

Approved by

Mr. Péter Medgyessy

Deputy Prime Minister

Chairman of the Hungarian Section

ACTION PLAN

to achieve the objectives arising from the 23rd Session of the Hungarian and Czechoslovak Committee for Economic, Technical and Scientific Co-operation

No.	protocol points	The name of the objective	Responsible	Deadline
1.	1.2.1.	A joint report on the preparation for the joint operation of the Gabčíkovo Barrage, on the clearing of accounts and on the establishment of a joint venture	Gabcikovo Nagymaros Barrage System Government Plenipotentiary	December 15, 1989
2.	1.2.2.	Preparation of a joint report on the state of construction of the Gabčíkovo-Nagymaros Barrage System	Gabcikovo Nagymaros Barrage System Government Plenipotentiary	For the 24th Session of the Committee
3.	1.3.	Concrete proposals have to be developed for the environmental measures related to the operation of the Gabčíkovo Nagymaros Barrage System (Draft Government Agreement)	Minister for the Environment and Water Management	April 15, 1989
4.		A meeting has to be organised between the Co-Chairman of the Committee, at which decisions will be made on further tasks to complete	-Minister for the Environment and Water Management -Gabcikovo Nagymaros Barrage System Government Plenipotentiary Secretary of the Committee	April 24

MINUTES

taken at the 23rd Session of the Hungarian and Czechoslovak Committee for Economic, Technical and Scientific Co-operation

The Hungarian and Czechoslovak Committee for Economic, Technical and Scientific Co-operation (hereinafter: Committee) held its 23rd Session in Prague on 2 and 3, March 1989.

The Hungarian Delegation was led by Mr. Péter Medgyessy, Deputy Prime Minister of the Hungarian People's Republic (HPR), Chairman of the Hungarian Section of the Committee.

The Czechoslovak Delegation was led by Pavel Hrivnák, First Deputy Prime Minister of the Government of the Czechoslovak Socialist Republic (CSFR), Chairman of the Committee for Technical, Scientific and Project Development, Chairman of the Czechoslovak Section of the Committee, who, at the same time, performed the duties of the Chairman of the Session.

...

Based on the information presented and on collations, the Committee makes the following decisions:

[Agenda] 1. Implementation of decisions, concerning economic co-operation, made at the previous meeting of the Committee, as well as in the negotiations held since the previous Session between the General Secretaries of the Party, the Prime Ministers and the Deputy Prime Ministers are to be carried into effect.

1.1. It states that

1.1.1. The Plenipotentiaries of the Gabčíkovo-Nagymaros Barrage System:

- worked out a joint schedule for the construction of the Gabčíkovo-Nagymaros Barrage System, which takes into account the modified deadlines of the construction of the Gabčíkovo and Nagymaros Hydroelectric Power Plants;

- worked out a joint report on the construction activities of the Gabčíkovo-Nagymaros Barrage System in 1987 and 1988. The work and supplies were carried out in accordance with the Joint Contractual Plan and the new, mutually approved construction schedule.

1.1.2. On behalf of the two Governments, the Co-Chairmen of the Committee signed the amending Protocol of the Agreement on mutual assistance during the construction of the Gabčíkovo-Nagymaros Barrage System concluded on 16 September 1977, which includes new deadlines for the putting into operation of the Gabčíkovo and Nagymaros Barrage System.

...

1.2. It sets as objectives for the Plenipotentiaries of the Gabčíkovo Nagymaros Barrage System:

1.2.1. to submit a joint report for the Co-Chairmen of the Committee before the end of 1989 at the latest on the preparation for the joint operation of the facilities of the Gabčíkovo Barrage by the Contracting Parties, on the deadlines for putting into operation, on the acquiring of its joint ownership, on the clearing of accounts of the joint operational costs and on the study of establishing a joint venture.

1.2.2. to submit a joint report for the 24th Session of the Committee on the state of construction of the Gabčíkovo-Nagymaros Barrage System, including the issues of operation and economic aspects of the Gabčíkovo Barrage.

1.3. The Parties have agreed that the state of environment in the region by the Gabčíkovo Nagymaros Barrage System must not deteriorate because of its operation. The non-deterioration of the Danube's water quality as a consequence of the operation of the plant is a fundamental requirement.

In order to guarantee these conditions, the Committee commissions the Minister for Environmental Protection and Water Management of the Hungarian People's Republic as well as the Minister for Forests, Water Management and Timber Industry of the Slovak Socialist Republic to work out a concrete proposal through co-operation with the Plenipotentiaries of the Barrage System, and to submit it to the Co-Chairmen by 15 April 1989.

The Co-Chairmen of the Committee will discuss the proposal and will make a decision on the steps to be taken before the end of April 1989.

Annex 15

REPORT OF THE CO-PRESIDENTS OF THE HUNGARIAN-CZECHOSLOVAK COMMISSION OF ECONOMIC
SCIENTIFIC AND TECHNICAL CO-OPERATION, 8 APRIL 1989

Minister of Environmental Protection and
Water Management of the Hungarian People's
Republic

Minister of Forestry, Water Management and
Wood Processing of the Slovak Socialist
Republic

According to Article 1.3 of the Protocol taken at the XXIII. Session of the Hungarian-Czechoslovak Committee of Economic and Scientific-Technical Co-operation, held in Prague, on the 2th and 3rd of March 1989,

"the Parties agreed that in the region exposed, the environment must not be affected unfavourably by the operation of the Gabčíkovo-Nagymaros Barrage.

A fundamental requirement is that the quality of water of the river Danube remain unchanged.

To provide the conditions required to meet this objective, the Committee hereby entrusts the Minister of Environmental Protection and Water Management of the Hungarian People's Republic as well as the Minister of Forestry, Water Management and Wood Processing of the Slovak Socialist Republic with the development of specific suggestions in co-operation with the plenipotentiaries responsible for the barrage, to be submitted to the co-presidents until the 15th of April 1989.

The suggestions shall be discussed by the co-presidents before the end of April 1989 and at the same time, the representatives shall decide upon what has to be done in addition."

**PROPOSAL TO BE DISCUSSED AT A MEETING OF THE CO-PRESIDENTS OF THE
HUNGARIAN-CZECHOSLOVAK COMMITTEE OF ECONOMIC AND SCIENTIFIC-TECHNICAL
CO-OPERATION IN APRIL 1989**

The ministers accepted the result of negotiations between the government representatives responsible for the water course along the state border, held on the 7th-8th of April 1989, according to which the representatives had agreed upon an additional water quality control programme to be carried out in 1989

- to complete the water quality monitoring and evaluation system, based on agreements under the State Border River Convention, with additional index numbers;
- to determine the quality of water of the Danube before the reservoirs are filled;

- to continuously monitor the water quality, jointly or in compliance with a co-ordinated programme, according to the fundamental principles accepted within the framework of the State Border River Convention. The results of the analysis shall be recorded, and evaluated on a regular basis. In case of any unfavourable change in the quality of water, the necessary steps shall be taken by mutual agreement.

Considering the outstanding importance of environmental protection from the point of view of society, and with special regard to the protection of the quality of water of the Danube, the ministers suggest that a special inter-governmental agreement be concluded on the supposition that the construction of the Gabčíkovo-Nagymaros Barrage will take place in compliance with the Treaty concluded as well as with the relevant inter-governmental agreements.

The suggested Treaty shall be formulated on the basis of the following principles:

- The Parties agree to carry out the monitoring and evaluation of the quality of water of the Danube in the region affected by the construction of Gabčíkovo Nagymaros Barrage in the way and to the extent approved by the government representatives responsible for the state border river on the 7th-8th of April 1989 as well as in accordance with the programme for the years 1990-1993.

- The competent organisations of the Contracting Parties' countries shall determine the desired values of the different water quality index numbers on the basis of the results of joint observations for the years and detailed observations before the filling of the Hrusov-Dunakiliti reservoir in 1989. These values shall serve as a basis for the evaluation of changes in the quality of water and they shall be used as the standard values in the control of operation of Gabčíkovo Nagymaros Barrage .

- The Contracting Parties agree that risk-free peak energy production may only commence after the construction of installations necessary for the protection of water quality. This precondition has to be taken into account when determining the operational mode of the Gabčíkovo Nagymaros Barrage System.

- In order to achieve this goal, the Parties agree upon a program for the realisation of the necessary waste water purification plants before the start of a peak energy production.

Compliance with the programme agreed upon shall be checked every year by the government representatives responsible for the state border river . - The Parties agree to inform the population on changes in the ecological conditions, with particular regard to the quality of water.

- A joint working committee consisting of experts of both Parties shall be set up to prepare the draft agreement by the end of June 1989.

This Report has been prepared in two copies, in Hungarian and Slovak language, both copies being equally authentic.

Dated 8 April 1989

Budapest
illegible signature illegible signature
Minister of Environmental Minister of Forestry,
Protection and Water Water Management and
Management of the Wood Processing of the
Hungarian People's Czechoslovak Socialist
Republic Republic
(László Maróthy) (Eng. Vladimír Margetin)

Annex 16

LETTER FROM MR PÉTER MEDGYESSY, HUNGARIAN DEPUTY PRIME MINISTER, TO MR PAVEL HRIVNAK,
CZECHOSLOVAK DEPUTY PRIME MINISTER, 24 JUNE 1989

**The Deputy Prime Minister of the Council of
Ministers of the Hungarian People's Republic**

Comrade PAVEL HRIVNAK
Deputy Prime Minister of the
Czechoslovak Socialist Republic
Prague

Budapest, 24 June, 1989

Dear Comrade Hrivnak,

The Hungarian Academy of Sciences (HAS) has studied the environmental, ecological and water quality as well as the seismological impacts of abandoning or implementing the Nagymaros Barrage of the Gabčíkovo-Nagymaros Barrage System (GNBS).

The Ad Hoc Committee set up for this purpose was led by a member of the presidency of HAS. I am enclosing the report of the Ad Hoc Committee to the Hungarian and Czechoslovak scientific-professional negotiations as Hungarian documentation.

Having studied the expected impacts of the construction in accordance with the original plan, the Committee of the Academy came to the conclusion that we do not have adequate knowledge of the consequences of environmental risks.

In its opinion, the risk of constructing the Barrage System in accordance with the original plan cannot be considered acceptable. Of course, it cannot be stated either that the adverse impacts will ensue for certain, therefore, according to their recommendation, further thorough and time consuming studies are necessary.

Referring to Comrades Németh's and Adamec's agreement and the work schedule we approved, I propose the establishment of and the beginning of work by the Hungarian and Czechoslovak scientific-professional committees.

I recommend that the discussion on the documentation of the Hungarian Academy of Sciences should take place in two working groups, which would discuss the hydrological and ecological as well as the geological and seismological issues. The results of their work and their recommendations would be synthesized by a summarizing committee. I am introducing the Hungarian members of the working groups in the annex.

I think, it is desirable that the Czechoslovak scientific-professional working groups also present documentation to the Hungarian working groups. I recommend that the working groups begin the negotiations as soon as possible. I would be glad, if the first time, this took place in Budapest.

I propose, furthermore, to review the feasibility conditions of Article 15 of the Treaty of 1977 in inter-governmental professional working groups, to evaluate the work performed so far, and to supplement or to renegotiate the measures to be taken if need be.

These professional negotiations should cover primarily the following:

The specification of tasks to be performed concerning the prevention of a decline in the water quality of the Danube and guarantees

- Determining the water quality situation
- Specifying the necessary network of a monitoring system
- Performing a suitability study on the planned development of water treatment systems in terms of their network, capacity and level of treatment.

Determining the possible operational modes of the Gabčíkovo-Nagymaros Barrage System, which are free from environmental risks and meet the ecological requirements.

Completing the water replenishment system in Szigetköz and regulating the discharge in the Old (Szigetköz) Danube.

I recommend that the professional committees to be organized to discuss the aforementioned issues should start their work after July 10, based on the mutually exchanged documentation. I recommend that the deadline for exchanging this documentation should be July 12 at the latest.

I propose that we should review the results of the scientific-professional negotiations in the first half of July, while doing the same personally with the results of the work of the inter-governmental professional committees as it goes on.

In my view, our recommended personal consultations will provide the opportunity to outline the direction and schedule of the further Hungarian and Czechoslovak studies and negotiations.

I am confident that based on the recommended exchange of the documentation and the work programme, we will establish the conditions for successful negotiations.

With Comradely greetings,

Dr. Medgyessy Péter

Annex: (1) The document of the Ad Hoc Committee of the Hungarian Academy of Sciences on the environmental, ecological and water quality as well as seismological impacts of abandoning or implementing the Nagymaros Barrage of the Gabčíkovo-Nagymaros Barrage System

(2) Background material: The professional summary of the risk factors and ecological hazards considered by the Council of Ministers of the Hungarian People's Republic, when making the decision to suspend the work related to the Nagymaros Barrage of the Gabčíkovo-Nagymaros Barrage System

Annex

The proposed scientific-professional working groups and their Hungarian members.

The working groups are supplemented by the representatives of the scientific institutions of the Ministry of the Environment and Water Management and invited Hungarian professionals.

Annex 17

AIDE MEMOIRE, MEETING OF MR LÁSZLÓ UDVARI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, AND MR. VLADIMIR LOKVENC, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY, BUDAPEST, 26 JUNE 1989

AIDE MEMOIRE

of the delivery at the Embassy of the Czechoslovak Socialist Republic in Budapest on 26 June 1989 of the letter written by the Vice-President of the Council of Ministers of the People's Republic of Hungary to the Vice-President of the Government of the Czechoslovak Socialist Republic and the documents comprising the appendices thereto and of the discussions held in relation to the above.

The appendix hereto contains the list of the names of the participants.

Comrade László Udvari, referring to the "Aide Memoire" of the meeting held between the Czechoslovak Plenipotentiary and the Hungarian Commissioner in Budapest on 6 June 1989 and to the responsibilities accepted by the Hungarian Party during the same, delivered the letter written by the Vice-President of the Council of Ministers of the People's Republic of Hungary addressed to Comrade Pavel Hrivnak, the Vice-President of the Government of the CSFR, the documentation prepared by the Hungarian Academy of Sciences regarding the environmental/ecological/water-quality and seismological effects of the abandoning, as well as the completion, of the Gabčíkovo-Nagymaros Barrage System's Nagymaros Barrage, which, according to the contents of the letter, he proposes be debated by the Hungarian-Czechoslovak scientific/professional work-group and that proposals be worked out on the basis of these discussions.

The Hungarian Government Commissioner further delivered the document prepared by the work group compiling and summarising ecological problems of the Gabčíkovo-Nagymaros Barrage System which contained the risk factors and ecological dangers taken into consideration by the Council of Ministers of the People's Republic of Hungary when deciding to suspend work on the Gabčíkovo-Nagymaros Barrage System, and the bibliography of scientific and professional studies utilized during the compilation of the said document, all to be used as background material for the proposed discussions.

The Hungarian Commissioner gave a briefing as to the proposals contained in Deputy Prime Minister Medgyessy's letter.

The Commissioner proposed that the proposals be debated as soon as possible in either the CSFR or Hungary. In the name of his Government, he expressed confidence that on the basis of the proposed document transfer and work-programme, we can create the conditions for successful negotiations.

The Plenipotentiary of the CSFR accepted the aforementioned letter and two documents and stated that on 13 May 1989 the Hungarian Party had informed the Czechoslovak Party of the temporary suspension of works at Nagymaros. On 26 June 1989, that is, 44 days subsequent to the above, he gave us [sic] those background materials used by the Hungarian Council of Ministers as the basis for its decision to suspend the construction of the Nagymaros Barrage for two months.

The CSFR's Plenipotentiary expressed his view that the Czechoslovak Government and the Federal Parliament continues to stand by the completion of the provisions of the Interstate Treaty of 16 September 1977.

Subsequent to the translation of the materials delivered by the Commissioner of the People's Republic of Hungary, the Czechoslovak Party will prepare its own proposals regarding further negotiations.

This present "Aide Memoire" reminder was prepared in both the Hungarian and the Slovak languages and both versions are equally valid.

Budapest, 26 June 1989

[signature]
Dr. László Udvari
Commissioner of the
Council of Ministers of the HPR

[signature]
Vladimir Lokvenc
Plenipotentiary
of the CSFR

Appendix
 Participants of the Discussions
 On the Hungarian Part:

Dr. László Udvari	Commissioner of the PRH,	State Secretary of the Ministry of Transportation, Telecommunications and Construction
-------------------	--------------------------	--

Pal Benyó	Deputy Chief Department Head at the	Foreign Ministry of the HPR
-----------	--	-----------------------------

On the Czechoslovak Part:

Vladimir Lokvenc	Plenipotentiary of the CSFR	
------------------	-----------------------------	--

Vlastimil Ehrenberger	Extraordinary and Duly Authorized	Ambassador of the CSFR
--------------------------	-----------------------------------	---------------------------

Karol Újházy	Counsellor for the Embassy of the CSFR	
--------------	---	--

Michal Slovak	Secretary of the Embassy of the CSFR	
---------------	---	--

Helena Muckova	Employee of the	Commissioner of the CSFR
----------------	-----------------	-----------------------------

Annex 18

AIDE MEMOIRE ON CONSULTATIONS OF THE SCIENTIFIC EXPERTS IN CONNECTION WITH THE TEMPORARY SUSPENSION OF WORKS ON THE NAGYMAROS BARRAGE, SIGNED BY MR. PÁL STEFANOVICS, HUNGARIAN, AND MR. VLASTIMIL BARUS, BUDAPEST, 17-19 JULY 1989

AIDE MEMOIRE

on the Hungarian - Czechoslovak consultations
of the scientific experts in connection with the temporary
suspension of works on the Nagymaros Barrage

The consultations were held in Budapest on 17-19 July 1989

List of participants appears in appendix 1.

The work was carried out in three expert groups on the basis of the standpoint of the Hungarian Scientific Academy delivered on 26 June 1989. According to our previous mutual agreement the background informational material handed over on 26 June 1989 was not on the agenda of this meeting. The Czechoslovak party prepared its standpoint for discussion, and this was delivered to the Hungarian party on 14 July 1989. The Results of group discussions are attached in appendixes 2-4. Scientific experts of both delegations continued discussions on the basis of the aforementioned materials.

Working groups discussed issues concerning possible risk factors. According to the Hungarian side these should be verified and supplemented requiring work lasting several years. In contrast, the Czechoslovak party is of the opinion: that all risk related problems were solved, and that they could be corrected during the further continuous construction of the Nagymaros Barrage. The Czechoslovak party expressed its willingness to cooperate, and this was well received by the Hungarian Party, which is also prepared for future scientific and expert consultation.

This Aide Memoire is made in two copies, in the Hungarian and Slovak language, both copies being equally authentic.

Stefanovits Pál
the leader of the
Hungarian scientific
working group

Vlastimil Barus
the leader of the Czechoslovak
scientific working group

Annex 19

PROPOSAL OF THE COUNCIL OF MINISTERS OF THE HUNGARIAN PEOPLES REPUBLIC, OFFERED BY
HUNGARIAN PRIME MINISTER MIKLÓS NÉMETH PRIME MINISTER LADISLAV ADAMEC, BUDAPEST,
20 JULY 1989

Before offering the proposal, I should like to remind you of the following:

1) Our decision to suspend construction related to the construction of the Nagymaros Barrage and of the technological facilities required for damming in the case of peak-flow. It applies to the Hungarian reaches of the Danube as a whole.

2) I should like to refer to the fact that it has been proved without any investigation that - implementation of the Gabčíkovo Nagymaros Barrage project of the scale and costs laid down by the plan is exclusively justified by an outworn energy generation concept - at the same time, all the ecological and other (technical, agricultural, social) hazards are connected to the practices required for energy generation, especially in the case of peak flow; - the requirements stipulated for peak-flow in the original treaty have not been met on schedule and the conditions of compliance with these requirements in the long run are not assured either.

When presenting our proposal, I wish to make it clear that in our point of view, the decisive point is the full compliance with the ecological requirements even if our present interests came into conflict with this because we are aware of our responsibility for the people living now and in the future on the right and left bank of the Danube, including Hungarians, Slovaks, and, I would say, also Austrians, and also for the state of our capital.

Our starting point is that as long as the ecological problems have not been surmounted and, once surmounted, a balance between nature, man and barrage has not been found, we cannot commit ourselves to take any irreversible technical step however late our recognition is and however advanced the construction works are.

According to our firm intention to insist on what has been said above, we have two alternative proposals to offer and, to discuss with you so that with knowledge of the conclusion of the discussion, we can offer an established proposal to our Parliament.

Our proposals are presented below:

Alternative 1

The diversion of the Danube river-bed should not take place in October and, accordingly, the preparatory works should not be started in August this year either. We have to insist on this proposal under any circumstances prior to September when Parliament sits, leaving the final decision to Parliament.

What we suggest now is that the diversion of the Danube should not take place and construction of the damming facilities in Czechoslovakia and Hungary as well as construction of the Nagymaros barrage should not be continued for a period of 3-5 years unless the complex ecological effect of the entire barrage system is known as a result of a joint investigation and an ecologically optimum model of the operation, including all the necessary assurance for the protection of water quality from both a technical and an operational point of view, is found.

In our view, it would be expedient to invite the aforementioned international institutions and authorities for this investigation, who could co-operate with the Czechoslovak and Hungarian scientists and while we would reserve for ourselves the right to decide, we could arrive at a solution acceptable to both parties.

I believe that we can make a responsible decision upon the destiny of the barrage only in the knowledge of the results of this investigation. In principle, three different decisions are possible:

1) Construction and operation of the Gabčíkovo-Nagymaros Barrage with all the necessary assurance incorporated in the project.

2) Abandonment of the construction of the Gabčíkovo-Nagymaros Barrage.

3) With the construction of the Nagymaros Barrage omitted, development of an ecologically harmless way of operation of the Gabčíkovo Barrage. We are aware of the significant uncertainty inherent in our proposal as far as the future is concerned. However, as soon as the ecological effect is known, there will be certainty instead of uncertainty. Therefore, if science could offer all the assurance required for an established decision within a year, it would be expedient to jointly investigate our possibilities and limits and the things to be done, among them the possibility of the diversion of the river.

Alternative 2

In accordance with the Czechoslovak standpoint, the Hungarian government is ready to compromise and present a proposal to Parliament according to which the barrage shall be constructed but with the ecological requirements fully met by both parties in the course of construction and in scheduling, and with all the necessary assurance set out in an inter-governmental agreement and then in the amendment of the Treaty (which will most likely become necessary) to be submitted to Parliament.

This proposal is also based on our belief that no irreversible technical steps can be taken unless the ecological problem has been fully answered.

We recommend that the Danube diversion does not take place in October this year but a year later and during the year so gained, the technical conditions of compliance with the water quality requirements and the programme of implementation be jointly worked out; - we undertake to set limits to peak-flow that is, to keep the retained water level low for some years (a stricter version of this is base load operation). All this considered, the entire project could be put into service a year later. Hence, the condition of the continuation of construction is - an amended Treaty based on a comprehensive programme of realisation of the project, determining the ecological requirements and providing all the necessary assurance, with the construction suspended for a year.

(Fundamental condition for both alternatives)

Diversion of the Danube should not take place in October 1989

Alternative 1

Suspension of works on the diversion of the Danube as well as of the construction of all the facilities required for damming in both Czechoslovakia and Hungary and of the Nagymaros barrage for 3-5 years.

- Joint invitation by the Parties of international scientific institutions, foreign scientific institutions and experts to co-operate with Hungarian and Czechoslovak scientific institutions and experts a) in investigations to find the ecologically optimum model of operation of Gabčíkovo Nagymaros Barrage as a whole b) in the elaboration and implementation of the necessary assurance of protection of the quality of water from a technical and operational point of view after 3-5 years, the following, theoretically possible, alternative decisions can be made:

1) Continuation of the construction of Gabčíkovo Nagymaros Barrage with all the necessary ecological assurance

2) Surrender of the construction of Gabčíkovo Nagymaros Barrage 3) With the Nagymaros barrage omitted, development of ecologically harmless ways of operation of the Gabčíkovo barrage. Alternative 2 Suspension of works on the diversion of the Danube for 1 year. Postponement of the putting into service of Gabčíkovo Nagymaros Barrage by 1 year. (Works in Hungary and Czechoslovakia delayed. Construction of the Nagymaros barrage started 1 year later.) - Joint invitation by the Parties of

international and foreign scientific institutions and experts to co-operate with Hungarian and Czechoslovak scientific institutions and experts

a) in elaboration of all the necessary assurance of protection of the quality of water from a technical and operational point of view and elaboration of a programme for implementation b) Base load operation of Gabčíkovo Nagymaros Barrage or limited peak-flow for some (3-5) years. Monitoring and analysis on a scientific basis. Amendment of the Treaty in accordance with paras a)-b).

Annex 20

*NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECHOSLOVAK SOCIALIST REPUBLIC
TO THE PRAGUE EMBASSY OF THE HUNGARIAN PEOPLES REPUBLIC, 18 AUGUST 1989*

NOTE VERBALE

111.261/89-1.

The Ministry of Foreign Affairs of the Czechoslovak Socialist Republic presents its compliments to the Prague Embassy of the Hungarian People's Republic and on behalf of the Government of the Czechoslovak Socialist Republic has the honour to present its position in connection with the measures taken by the Government of the Hungarian People's Republic following the 20th of July 1989.

The Hungarian Party not awaiting for the position of the Czechoslovak Party concerning the 20 July 1989 propositions has taken steps for their completion. This applies especially to the decision concerning the non-closure of the old Danube section which should be completed in October 1989 on the Gabčíkovo section by the Hungarian Party according to the mutual schedule of work.

The Federal Ministry of Foreign Affairs of the Czechoslovak Socialist Republic considers it important to emphasise that the Czechoslovak Party has always understood the 13 May 1989 decision of the Government of the Hungarian People's Republic concerning the two-months temporary suspension of the Hungarian Party's work as pertaining only to the Nagymaros Dam. This view has been confirmed by the Hungarian Party during all negotiations carried on so far.

The Government of the Czechoslovak Socialist Republic did not change its 15 May 1989 position and will conform to the Treaty in the future as well.

The 20 July 1989 decision of the Government of the Hungarian People's Republic represents a significant change in the intentions of the Hungarian Government announced so far.

This new decision of the Hungarian Party:

1. Similarly to the 13 May 1989 decision, this decision is not supported by the documents concluded by agreement concerning the construction of the Nagymaros Barrage and therefore the consequences thereof bring about the unilateral violation of the international legal obligations by the Hungarian People's Republic.
2. The consequence is that significant further damage is caused to the Czechoslovak Party which must be compensated by the Hungarian People's Republic in accordance with general international law.
3. This decision is unilateral, made without negotiations with the Czechoslovak Party and it does not correspond to Art 27 of the Treaty concerning the construction and operation of the Gabčíkovo-Nagymaros Barrage System.
4. This decision interferes with the construction of the Gabčíkovo Barrage to a large extent and thus fundamentally endangers the whole idea and construction of the Gabčíkovo-Nagymaros Barrage System.
5. This decision raises doubts concerning the reliability of the Hungarian Party in connection with the negotiations concerning the barrage.

Taking into consideration the above mentioned causes and facts and referring to the international documents concluded by agreement concerning the construction of the Gabčíkovo-Nagymaros Barrage System and to the generally accepted norms of international law concerning the international responsibility of states in connection with the violation of the international obligations the Government of the Czechoslovak Socialist Republic is aggregating the extent of damage already caused to the Czechoslovak Socialist Republic by the course of action taken by the Hungarian Party and enforces its compensation.

At the same time the Government of the Czechoslovak Socialist Republic reserves the right to be

compensated for that damage that will be caused in the future as a consequence of the unilateral decisions of the Hungarian People's Republic.

The Government of the Czechoslovak Socialist Republic emphasises that the responsibility for the consequences of the unilateral decisions of the Government of the Hungarian People's Republic is exclusively taken by the Hungarian People's Republic. It means under no circumstances the repudiation of the joint risk resulting from the construction nor the joint responsibilities of the two states.

The Government of the Czechoslovak Socialist Republic asks the authorities of the Hungarian party to take measures which would allow for the completion of all obligations set forth in the Treaty concerning the construction and operation of the Gabčíkovo-Nagymaros Barrage System to the deadlines established.

The Ministry of Foreign Affairs of the Czechoslovak Socialist Republic avails itself of this opportunity to renew to the Prague Embassy of the Hungarian People's Republic the assurances of its highest consideration.

18 August 1989, Prague

Annex 21

MINUTES OF THE MEETING BETWEEN THE HUNGARIAN MINISTRY FOR INDUSTRY, AND THE
CZECHOSLOVAK MINISTRY OF FUEL AND ENERGY, SIGNED BY MR. TIBOR LÁCZAI SZABÓ AND MR.
MATURA JAROSLAV, 21-22 AUGUST 1989

AIDE MEMOIRE

on the meeting of the HPR's Industrial Ministry and the CSFR's Fuel and Energy Ministry held in Budapest on 21-22 August 1989, with Gyula Czipper Industrial Deputy Minister on one side, and with Ladislav Blazek Deputy Minister for Fuel and Energy on the other side as co-chairmen; and

on the discussions held on 23 August 1989 at the Ministry of Transport, Telecommunication, and Construction under the leadership of Dr. László Udvari, Government Commissioner and Vladimír Lorenc, Plenipotentiary on the questions of energy.

Aim of discussion: The exchanged views on energy questions - related to the change in the Government the construction and operation of the Gabčíkovo Nagymaros Barrage System.

The list of participants appears in appendix No.1

During discussions the parties laid down the following:

1, The values of electric-energy production and of the built-in performance over a year with average water flow (1938), agreed upon in the Joint Contractual Plan, are the following:

a/ In the case of the implementation of Gabčíkovo-Nagymaros Barrage System according to the Joint Contractual Plan

	Gabcikovo	Nagymaros	Total
Built-in performance	720	158x	878

x) the joint performance of water turbines to be supplied by the Austrians is higher

Electric-energy production (GWh)	Gabcikovo	Nagymaros	Total
basic level plant operation Peak	2980	1040	4020
Capacity	2650	1025	3615

b/ In the case of the abandonment of the Nagymaros barrage:

	Gabcikovo	Nagymaros	Total
Built in performance (MW)	720	---	720
Electric Energy production (GWh)	2980xx	---	2980

xx) The value of electric-energy production might be modified, because of the change in hydraulic conditions following the abandonment of Nagymaros.

The Czechoslovak party announced:

- 1) It will persist in the implementation of the Gabčíkovo-Nagymaros Barrage System according to the Joint Contractual Plan, in both a physical aspect and also according to the time-schedule.
- 2) It demands, forthwith the continuation of works on the closing of the Danube's riverbed and that the fulfilment of the head-race canal be ensured; this being a precondition to the successful commencement of the operation of Gabčíkovo's first machine unit on 1 July 1990.
- 3) Otherwise, the Czechoslovak party will undertake measures that will ensure the operation of the Gabčíkovo Hydroelectric Power Plant.
- 4) In the case of a unilateral suspension of works (even for one year), the Czechoslovak party would suffer damage to the value of 1.953,1 million USD because of the blocking of assets. An increase in damage would follow if the completion of construction and commencement of operation were postponed. The Czechoslovak party requests, in the determination of damages, that electric energy be fully supplied on the basis of the new division of the hydro-energy potential above the agreed framework (according to the investment share).
- 5) Requests an electric-energy supply on the basis of the Joint Contractual Plan, even if construction were postponed, or altered and if changes with regard to operation were to take place.
- 6) In the case of the abandonment of the Nagymaros Barrage, the division of the utilisation of the Danube's hydro-energy potential would be changed as well as the investment share.

Hence, the share of benefits should also be modified between the Hungarian and the Czechoslovak Party.

The Hungarian party announced that:

It has not received those materials that would be necessary in order to view the Czechoslovak opinion as well founded. For instance: legal negotiations have to clarify whose fault has led to the eventual damages; without such negotiations no statement on the showing of damages may be accepted; the amount of damage announced in connection with the one delay in commencement of operation is unfounded. (According to the Hungarian party's preliminary calculations the amount quoted in the Czechoslovak opinion is excessive); It is not known, what technical measures the Czechoslovak party intends to take in order to start the operation of the Gabčíkovo barrage in the case of a delay in works on closure of the Danube riverbed, which are necessary for commencement of operations, and it is also questionable. It is not known how that measure could comply with requirements of international law..

To handle the Czechoslovak announcement 'in merito', the Hungarian party needs adequate answers on the above mentioned questions.

This Aide Memoire was prepared with the same content in the Hungarian and Slovak languages by:

On Hungarian side:

Laczai Szabó Tibor
senior counsellor
in the Industrial Ministry

On Czechoslovak side:

Matura Jaroslav
Deputy Head of Department
in the Ministry for Fuel and
Energy

Annex 22

MINUTES OF THE MEETING OF THE COMMITTEE OF EXPERTS IN THE MATTER OF THE GABCIKOVO-NAGYMAROS BARRAGE SYSTEM, BUDAPEST, 21-23 AUGUST 1989

MINUTES

of the meeting of the Committee of Experts on the subject of the Gabčíkovo-Nagymaros Barrage System in Budapest between 21-23 August 1989, chaired by the Hungarian Plenipotentiary and the Czechoslovak Plenipotentiary.

The list of the names of the participants is appended hereunto as Appendix 1.

The leaders of the committee of experts agreed upon the discussion of the following questions:

1. General questions.
2. The preparation of operative measures made necessary by the new situation.
3. Consultation of navigation experts.
4. Consultation of the energy experts' work group.
5. Other questions.

Section 1. General Questions

Today's meeting by the experts relates to the previous discussions, which were agreed on 3 August 1989. The discussions were agreed upon prior to the forwarding of the Memorandum of the CSFR on 18 August 1989, therefore the discussions do not deal with the subject of the said Memorandum.

The Hungarian party determines that the Czechoslovak party did not appraise proposals submitted during the course of the meeting of the Czechoslovak and Hungarian Prime Ministers at a Prime Ministerial level. Neither were the four outlines presented during the course of the personal consultation held by engineer Vladimír Lokvenc, Plenipotentiaries and Dr. László Udvari, Plenipotentiary, in Bratislava on 3 August, 1989 appraised by the Czechoslovak party.

The Czechoslovak party declared that it would appraise the Hungarian proposals and that these would be the subject of joint discussions, consequent on its being given the fundamental data beforehand.

The Hungarian party has received information that the Czechoslovak party has studied technical counter measures to the suspension of the relocation of the river-bed at Dunakiliti and the possible non-construction of the Nagymaros Barrage.

The Czechoslovak party has given information to the effect that its planners are studying technical possibilities for reducing the losses resulting from the non-utilisation of the Gabčíkovo-Nagymaros Barrage System.

The parties shall return to the aforementioned questions prior to the consultation to be held by the Prime Ministers of the CSFR and the Hungarian People's Republic, at the latest.

Appendix 2

AIDE MEMOIRE

of the discussions held by the delegations of the Ministry of Industry of the Hungarian People's Republic and the Ministry of Fuel and Energy of the CSFR in Budapest on August 21-22, 1989, chaired by Gyula Czipper, Deputy Minister for Industry and Ladislav Blazek, Deputy Minister for Fuel and Energy of the CSFR;

within the framework of the discussions held on August 23, 1989 in the Ministry of Transportation, Communications, and Construction, chaired by Dr. László Udvari, Commissioner and Vladimír Lokvenc, Plenipotentiary, regarding the question of energy.

The purpose of the discussions: the parties exchanged opinions on the energy questions related to changes to the construction and operation of the Gabčíkovo-Nagymaros Barrage System.

The list of the names of the participants is to be found appended hereunto as Appendix 1.

During the course of the discussions, the parties determined the following:

1. The values related to the production of electrical energy and the built in performance in the year of average flow (1938) as taken into consideration in the Joint Contractual Plan are as follows:

a.) In the event of the construction of the Gabčíkovo-Nagymaros Barrage System according to the Joint Contractual Plan:

	Gabcikovo	Nagymaros	Total
Built-In Performance (MW)	720	158*	878
Energy Production (GWh)			
- During Basic Operation	2980	1040	4020
- During Peak Operation	2650	1025	3675

b.) In the event of the abandonment of the Nagymaros Barrage

Built-in Performance (MW)	720	---	720
Electrical Energy Production	2980**	---	2980

* The total performance of the turbines to be supplied by the Austrians is higher.

** The value attributed for electrical energy production may change as a result of changes in the hydraulic conditions if the Nagymaros Barrage is abandoned.

The Czechoslovak Party declared that:

1. It would continue to insist on the construction of the Gabcikovo-Nagymaros Barrage in accordance with the Joint Contractual Plan, in both subject and time.
2. It demands that work on the closure of the Danube's river-bed continue and that the filling of the upper water canal be guaranteed, this being a prerequisite condition for the commencement of operation of the first unit of machinery at Gabcikovo on 1 July, 1990.
3. Otherwise, the Czechoslovak party will undertake measures that will ensure the operation of the Gabcikovo Hydro-electric Power Plant.
4. In the event of a unilateral cessation of work (even if only for one year) the dedication of resources will cause damages of US\$1,953.1 million, which would further increase if the dates for the completion and the commencement of operations of the hydro-electric power plant are further delayed.

In the determination of the said damages, the Czechoslovak party requests that the total amount of electrical energy delivered be divided upon the basis of the new hydro-electric energy potential and above the previous limits (according to resources invested.)

5. It requests that the amount of electrical energy determined in the Joint Contractual Plan be provided even in the event of a delay or modification in that construction or a change in operations.
6. In the event of the abandonment of the Nagymaros Barrage, the division of the utilisation of the hydro-electric energy potential of the Danube changes, as does the division of invested equipment resources.

It follows from the above that the division of profit between the Hungarian and Czechoslovak parties is to be amended as well.

The Hungarian party declared that it had not received those materials which are absolutely necessary if the opinion of the Czechoslovak party is to have any foundation. Thus, for example, the question of to whom responsibility for any damages are to attributed must be decided via legal procedures. Without the aforementioned, the declaration regarding division of damages cannot be accepted. The amount of damages declared by the Czechoslovak party in the event of a one year delay in the plant's operation has not been determined (according to the preliminary calculations of the Hungarian party, the amount quoted in the Czechoslovak opinion is incorrect by orders of magnitude.) It is not known what type of technical measures the Czechoslovak party wishes to utilise to initiate operations of the Gabcikovo Barrage if there is a delay in the relocation of the river-bed, (necessary to commence operations of the Gabcikovo Barrage) and how these measures may be brought into harmony with international law. The Hungarian party can only deal with the declarations made by the Czechoslovak party if the Czechoslovak party gives proper answers to questions such as the above.

This present "Aide Memoire" has been compiled in the Hungarian and Slovak languages, the text of both being identical.

From the Hungarian part:

Tibor Laczai Szabó
Chief Counsel to the
HPR's Ministry of Industry
Fuel and Energy

From the Czechoslovak part:

Matura Jaroslav
Deputy Department Chief
at the CSFR's Ministry of

Annex 23

LETTER FROM MR. LADISLAV ADAMEC, CZECHOSLAVAK PRIME MINISTER, TO MR. MIKLÓS NÉMETH,
HUNGARIAN PRIME MINISTER, 31 AUGUST 1989

Prague, 31 August 1989

Comrade Prime Minister!

During our last joint discussions in Budapest on 20 July 1989, you made some recommendations regarding the further steps to be taken in the matter of the construction of the Gabčíkovo-Nagymaros Barrage System. The common thread in all the variants included in your recommendation is that the construction according to the valid treaty documents of either the whole of the Gabčíkovo-Nagymaros Barrage System or one part of it (the Nagymaros hydroelectric plant) is to be aborted.

Following an examination of all sides of all the variants included in your recommendation by the responsible Czechoslovak authorities, and by scientific, technical, economic and other institutions, I am forced to repeat that the Government of the Czechoslovak Socialist Republic continues to insist that construction of the Gabčíkovo-Nagymaros Barrage System proceeds as per the Treaty Regarding the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System concluded between the Czech and Slovak Federal Republic and the Hungarian People's Republic on 16 September 1977 and other related treaty documents.

After complex consideration of the entire problem, we have come to the conclusion that all alleged fundamental risks which you have raised were taken into consideration prior to the commencement of the construction of the Gabčíkovo-Nagymaros Barrage System, as well as during the course thereof. Discussions held by Czechoslovak and Hungarian scientists, and technical, economic and other experts subsequent to the Hungarian Government's suspension of work on the Nagymaros Barrage did not result in the finding of any arguments which might justify the suspension of construction on the Barrage System as laid down in the original treaty documents or the amendment of the conception thereof.

In the event that the Hungarian People's Republic, contrary to its international legal obligations, decides, unilaterally, without the agreement of the Czech and Slovak Federal Republic, to realize one of the variants which you have suggested, the Czech and Slovak Federal Republic will suffer damages in the range of thousand millions concerning equipment already invested, energy, shipping agriculture and forestry. This would disturb the actions taken under the Czech and Slovak Federal Republic water management plan on a significant part of its territory and, thus, the plans for development of towns and villages located in the region. The Czechoslovak Socialist Republic will claim compensation for the resulting damages. In connection with this, the Czechoslovak Socialist Republic will be forced to take such actions on the sovereign territory of the Czech and Slovak Federal Republic which will ensure the amount of water guaranteed for the Gabčíkovo Barrage according to the Treaty of 16 September 1977. The steps taken by the Czechoslovak Party would be only temporary as the Czech and Slovak Federal Republic continues to remain ready to complete construction of the Gabčíkovo-Nagymaros Barrage System on basis of the aforementioned Treaty, on the condition that the Hungarian People's Republic expresses her readiness to do the same and reimburses the Czechoslovak Socialist Republic for damages incurred as a result of the unlawful acts of the Hungarian People's Republic.

With Comradely greetings,

Ladislav Adamec sk.

The Honorable
Comrade Miklós Németh
President of the Council of Ministers of the
Hungarian People's Republic
BUDAPEST.

Annex 24

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE HUNGARIAN PEOPLES REPUBLIC TO THE EMBASSY OF THE CZECHOSLOVAK SOCIALIST REPUBLIC, 1 SEPTEMBER 1989

NOTE VERBALE

663-31/89.

The Ministry of Foreign Affairs of the Hungarian People's Republic presents its compliments to the Embassy of the Czechoslovak Socialist Republic and has the honour to hereby inform it that it has received *Note Verbale* No. 111.261/89-1. dated 18 August 1989 of the Ministry of Foreign Affairs of the Czechoslovak Socialist Republic addressed to the Embassy of the Hungarian People's Republic in Prague.

The contents of the *Note Verbale* have been carefully studied by the relevant authorities of the Hungarian People's Republic and they have deemed it necessary once again to summarise the facts and results of the meeting between the Heads of Government of the two countries held on 20 July 1989 in Budapest concerning the Gabčíkovo-Nagymaros Dam System and to state their opinion concerning the question of the dam as follows

1. The Hungarian Party reported on the prolongation of the suspension of work in Hungary related to the Nagymaros dam and barrage technology until from 31 July to 31 October 1989.

2. The Hungarian Party announced that, during the suspension period, further investigations of the ecological risks entailed by the project shall take place and that during this period no irreversible technical measures shall be taken. This is the reason why preparatory work conducted on the territory of Hungary and related to the relocation of the Danube's bed at the Dunakiliti weir plant was also to be included in the range of activities to be suspended.

3. The Hungarian Party presented two versions of its proposal concerning the joint investigation of the feasibility of the Gabčíkovo-Nagymaros Dam System and invited the Czechoslovak Government to make an assessment of the proposal and to hold joint discussions on the matter.

The submitted version of the proposal suggested that joint investigations be conducted over a period of either 3-5 years or in the alternative version 1 year, and the working out of ecological guarantees and an optimal system of operations. The Hungarian Party also proposed that international scientific organisations be involved in the said joint scientific work.

4. The Government of the Hungarian People's Republic, having assessed what was said at the negotiations of 20 July 1989, arrived at the conclusion that the Czechoslovak Party does not think it necessary to modify the contents of the Gabčíkovo-Nagymaros Agreement or the construction schedule. It did however acknowledge the extension of the suspension and made no objection specifically to the suspension of the preparatory operations for closure of the Danube at Dunakiliti, asking for Hungarian proposals concerning further construction work to be carried out on the dam system to be handed over to the Czechoslovak Party in writing. The Czechoslovak Party assured the Hungarian Party that the Czechoslovak Government would assess these proposals.

On the basis of the above the Ministry of Foreign Affairs of the Hungarian People's Republic wishes to stress the following: the Hungarian Party did not cause the Czechoslovak Party to come to the conclusion that the Government of the Hungarian People's Republic had taken unilateral measures concerning the suspension of the construction of the Gabčíkovo-Nagymaros Dam System.

The Czechoslovak Party received the Hungarian proposals referred to in Point 3. above in writing as early as 20 July 1989, that is at the time of the meeting between the Heads of the Hungarian and Czechoslovak Governments, which proposals were later repeated by the Hungarian Government Commissioner in charge of the construction of the Gabčíkovo-Nagymaros Dam System, who, on 3

August 1989 in Bratislava, handed over an edited version of the said proposals with a clear scheme attached, and accompanied by an exhaustive oral explanation, to the Czechoslovak Party.

The Hungarian Party must declare with regret that, up to the present day - 40 days later - the Hungarian proposals have still not been assessed by the Czechoslovak Party.

The Government of the Hungarian People's Republic hereby wishes to direct the attention of the Government of the Czech Republic to the fact that according to its assessment, Hungary, and Czechoslovakia also, are in a state of necessity. Acts of the two Governments have to be assessed accordingly. The Hungarian Party finds no explanation for the rigid denial of negotiations on ecological guarantees and optimal mode of operation.

The Czechoslovak Party is not even willing to negotiate about questions which would bring about any amendment in the [1977] Treaty on the construction and operation of the Gabčíkovo-Nagymaros Barrage System, not even then, when science raises fundamental doubts concerning the ecological harmlessness of the Barrage System. The Hungarian Party nevertheless hopes that the Czechoslovak Party will finally adopt a responsible attitude and take an active part in finding a solution acceptable to both sides.

The Hungarian Party according to the basis to the basic principles of the [1977] Treaty proceeds from the fact that the profit and the possible material loss, the risks of intervening in nature and the prevention thereof or the burdens of averting it are common. Therefore the Hungarian Party does not see any basis to the determination of Czechoslovak demands for compensation without negotiations in the present period of suspension.

The suspension of preparatory operations for the closure of the Danube bed at Dunakiliti by the Hungarian Party in itself neither interferes with the realisation of the conception of the Gabčíkovo-Nagymaros Barrage System nor with the construction of the Gabčíkovo Barrage. The suspension unquestionably delays the commencement of operation of the first hydro-electric generators but it must be taken into consideration that this period of suspension is the last possibility for the two Parties to confront thoroughly and for all times the joint work with the requirements of environmental protection and to this end to weigh up all the circumstances very carefully.

The Government of the Hungarian People's Republic firmly rejects the statement contained in the *Note Verbale* of the Czechoslovak Socialist Republic dated 18 August 1989 according to which steps taken by the Hungarian Party put into question its reliability in respect of negotiations conducted on the subject of the dam system.

Such a groundless assertion must cause the Hungarian Government to question whether it can expect appropriate co-operation from the Czechoslovak Party in the settlement of such future problems as may occasionally arise in the course of the execution of the joint project.

During the expert negotiations led by the Plenipotentiaries of the two Governments from 21 to 23 August 1989 in Budapest the Hungarian Party asked to be informed about the content of that technical counter-measure, which according to our information the Czechoslovak Party is contemplating in connection with the suspension of the preparatory work related to the relocation of the Danube's bed at Dunakiliti.

In the light of the information received from the Czechoslovak Party on the subject, the Government of the Hungarian People's Republic wishes to direct the attention of the Government of the Czechoslovak Socialist Republic to the fact that, hold such a Czechoslovak measure indeed be taken, that would be regarded by the Hungarian Party as a material breach of the 16 September 1977 Treaty. Such a breach of the Treaty would lead to serious international legal conflicts for which the Czechoslovak Socialist Republic would be solely responsible. The Czechoslovak Socialist Republic would also have to assume sole responsibility for any ecological threat to Hungary's territories which may arise from their actions, as well as the expected deterioration in navigation conditions on the Danube.

The Government of the Hungarian People's Republic hereby once more invites the Czechoslovak Government to give serious consideration to Hungarian proposals made in writing on 20 July 1989 in Budapest, and repeated on 3 August the same year, and urges the Czechoslovak Government to respond without delay to the said proposals on the merits. The Hungarian Party proposes that the planned next meeting between the Heads of the two Governments be preceded by expert meetings and then a consultation between the Deputy Prime Ministers of the two countries. The obligation of the two Governments to clarify this complex problem to their nations, and their responsibility to future generations, now demands of the two Governments a full and appropriate reconciliation of their mutual and individual interests.

The Ministry of Foreign Affairs of the Hungarian People's Republic avails itself of this opportunity to renew to the Embassy of the Czechoslovak Socialist Republic the assurances of its highest consideration and requests that the above be immediately communicated to the Czechoslovak Government.

Budapest, 1 September 1989

To the Embassy of the Czechoslovak
Socialist Republic
Budapest

Annex 25

AIDE MEMOIRE OF THE MEETING BETWEEN MR. PÉTER MEDGYESSY, HUNGARIAN VICE-PRESIDENT OF THE COUNCIL OF MINISTERS, AND MR. PAVEL HRIVNAK, CZECHOSLOVAK DEPUTY PRIME MINISTER, BRATISLAVA, 9 SEPTEMBER 1989

AIDE MEMOIRE

Vice-President of the Council of Ministers of HPR, Péter Medgyessy, and Vice-President of the Government of CSFR, Pavel Hrivnak conducted negotiations in Bratislava, on 9 September 1989 on the further course of the construction of Gabčíkovo-Nagymaros Water Barrage System.

The names of other participants in the negotiations appears in Annex No. 1.

Main purposes of the negotiations:

- statement of the views of the parties,
- preparation of the meeting of the Prime Ministers.

The parties mutually informed one another of their views. The view of the Czechoslovak party is included in Annex No. 2, while the view of the Hungarian party is in Annex No. 3.

They agreed as follows:

1. The plenipotentiaries shall ensure :

a) that experts of international law of the two parties meet before 20 September 1989, for the purpose of the interpretation of the 1977 Interstate Treaty, and the relevant documents, from the point of view of implementation.

b) that a scientists of the two parties will take place before the end of September 1989 in order to investigate any ecological problems raised by the Hungarian party resulting from the filling up of the Hrusovo-Dunakiliti reservoir.

2. The parties consider the meeting of the Prime Ministers of the two countries necessary prior to passing any decision on the further progress of the construction of Gabčíkovo-Nagymaros Water Barrage System by the Parliaments of the two countries.

Made in Bratislava, on 9 September 1989, in 2 original copies in the Hungarian and the Slovak languages. Both texts are equally authentic.

Annexes: 3

Péter Medgyessy
Vice-President of the
Council of Ministers of the HPR

Pavel Hrivnak
Vice President of
the Government of CSFR

Annex 3

View of the Hungarian party:

The Hungarian party regretfully stated that the "in merito" negotiation of the Hungarian proposals aiming at the performance of the three to five year, and/or one year joint investigations, as well as the ecological guarantees and the elaboration of the optimal system of operation only took place in an indirect way, within the framework of the reasoning of the Czechoslovak proposal. The Hungarian party intended to establish the provisional conditions for the elaboration and implementation of the measures which would minimize ecological risks, as well as to provide opportunity for the necessary technical interventions, and/or corrections, by the suspension of the preparation of the Dunakiliti waterbed relocation work. It is

not able to make any modification in the suspension of the preparation of the Dunakiliti waterbed relocation before 31 October. After that date, the decision of the government and the Parliament shall be the governing one.

It was emphasized that the Hungarian party is still guided by the intention to give effect to ecological requirements. It asks that the Czechoslovak government shall repeatedly think over the proposals of the Hungarian government.

The Hungarian party did not violate the Treaty and [other] agreements between the two countries by the suspension of the work, thus it repudates the statement of the Czechoslovak party that it will be forced to adopt a supplementary technical solution. This solution violates international law, and, in all probability, will result in an ecological emergency, primarily in Szigetköz. It draws the attention of the Czechoslovak party to the fact that no unilateral measures shall be taken in respect of international frontier rivers which would change the water status quo. The planned Czechoslovak step would violate the provisions of the Paris Peace Treaty of 1947, as well as the Agreement on the Frontier River signed in Prague, in 1976.

The Hungarian party does not acknowledge the announcement concerning the Czechoslovak requirement for damages, as its present decision of suspension pertains to the minimisation of the ecological risks affecting both countries of the joint project, as well as the attempt to avoid a shared danger. It emphasises that all profits, and any material losses of the joint project, as well as the risks of intervention in nature, the prevention, and/or burdens are shared, and the enforcement of the ecological requirements, as well as the co-ordination of the reduction of material losses are also joint tasks.

The Hungarian party requests the continuous transfer of the technical, ecological, shipping and water energy utilisation documents concerning the diversion of the water of the Danube on the territory of Czechoslovakia, which has been planned as a supplementary measure.

Annex No. 2

View of the Czechoslovak party:

The principal view of the government of CSFR is contained in the letters of the Federal Ministry of Foreign Affairs of CSFR on 18 August 1989, and that of the President of the government of the CSFR on 31 August. In connection with that, we repeatedly propose that the Hungarian party continue the construction of the Gabčíkovo Nagymaros Barrage System, particularly the relocation of the waterbed of the Danube at Dunakiliti, in harmony with the Treaty and the relevant documents.

If the Hungarian party is prevented from that for any reasons of capacity, technical or other organisational reasons, the Czechoslovak party is ready to implement the relocation of the Danube by its own means, at the cost of the Hungarian party, so that the agreement on mutual help in connection with the construction of the Gabčíkovo-Nagymaros Barrage System would be supplemented accordingly.

If the Hungarian party refuses to accept the above proposals, and continues to violate the valid Treaty unilaterally, we will be forced to adopt a supplementary transitional and temporary technical solution on the territory of the CSFR which would allow the putting into partial operation of the Gabčíkovo Water Barrage System. We intend to implement the above variant in order to minimise the losses of the Czechoslovak party caused by the action of Hungarian People's Republic. This solution serves the interests of both countries. It would partially make it possible for Czechoslovakia to utilise the assets invested into the project, and would reduce the amount of damages to be paid by the Hungarian party to the Czechoslovak party.

The above solution provides the supply of the Moson branch of the Danube and the old Danube waterbed with an appropriate quantity of water in accordance with the documents pertaining to the construction of the Gabčíkovo-Nagymaros Barrage System, and, simultaneously, provides for navigation. It is only a provisional solution, and the CSFR is still ready to complete the Gabčíkovo-Nagymaros Barrage System in accordance with the Treaty of 1977, under the condition that the Republic of Hungary shows the same

willingness, and will compensate the damage caused to Czechoslovakia by the unilateral violation of the Treaty.

The Czechoslovak experts of international law did not find any cause justified by law which would prevent Czechoslovakia from implementing the above-mentioned supplementary technical solution.

We are ready to receive the Hungarian experts of international law in order to discuss the legal aspects of the steps taken by the Czechoslovak party.

Annex 26

*AIDE MEMOIRE OF THE MEETING BETWEEN SCIENTISTS TO DISCUSS WATER QUALITY AND ECOLOGY
RELATED TO THE HRUSOVO-DUNAKILITI RESERVOIR, 25-27 SEPTEMBER 1989*

AIDE MEMOIRE

on the negotiations of the Hungarian and Czechoslovak expert scientists on the water quality and ecological issues of the Dunakiliti-Hrusov Reservoir

The negotiation was held on 25 - 27 September 1989 in Bratislava. The Hungarian delegation was led by Árpád Berczik, Academician, and the Czechoslovak delegation was led by Ludovit Weismann, Academician. The list of the members of the delegation are listed in Annex 1.

The meeting took place following an agreement between Mr. Péter Medgyessy, Vice-President of the Council of Ministers of the Hungarian People's Republic (HPR), and Mr. Pavel Hrivnak, Vice-President of the Council of Ministers of the Government of the Czechoslovak Socialist Republic (CSFR) on 9 September 1989. In the negotiation, the following four topics were discussed:

- (1) Trends in water quality in the Dunakiliti-Hrusov Reservoir
- (2) The impacts of the expected changes in water quality in the Reservoir on the downstream reaches of the Danube
- (3) The water quality and ecological issues in the Old Danube and its branch systems
- (4) The endangered state of the subsurface water resources in the Kisalföld

During the discussion of each question in detail, the experts reached common positions in some of the problems as follows:

- (1) The Parties evaluated the research results obtained so far, which form the scientific basis for resolving the controversial problems and a methodological starting point.
- (2) The residence time of the water in the Reservoir will be one to two days and could be as many as three days in certain locations. As a result, the amount of fitoplanktons algae in open waters will increase.
- (3) The quality of underground waters must by all conditions be preserved for the provision of drinking water to the public.
- (4) All necessary steps must be taken in order to prevent prejudice to the self-purifying capacity of the Danube water.
- (5) In order to study the impacts on the surface and subsurface waters by the Dunakiliti-Hrusov Reservoir, a monitoring system of a permanent nature should be set up, which should be developed based on uniform methods on both the Hungarian and the Czechoslovak sides.

In those issues in which no common position could be reached, the opinions of the two Parties are included in Annexes 2 and 3.

The negotiations were carried on in a friendly atmosphere, the Parties tried to understand and consider each other's position. They started from the fact that the engineering solution should be in harmony with the ecological requirements in order to preserve the conditions of nature and life in the given area to the maximum extent.

Bratislava, 27 September, 1989

(signature)	(signature)
Á. Berczik	L. Weismann
Leader of the	Leader of the
Hungarian delegation	Czechoslovak delegation

Annex 2

The position of the Hungarian delegation

- (1) A fundamental difference between the Hungarian and Czechoslovak position is that while on the part of Hungary, the priority of the ecological aspect should be ensured in a consideration of the issues related to the Gabčíkovo Nagymaros Barrage System based on the stand of Parliament in October 1988, while according to the Czechoslovak position, although the ecological interests are important, they do not have absolute priority.
- (2) We do not agree with the opinion of the Czechoslovak delegation that the majority of the problems raised can be studied and resolved after the construction of the Barrage System and especially after the filling up of the Dunakiliti-Hrusov Reservoir. In numerous cases, not even the scope of the alternative solution can be defined and, therefore, we consider the 1:1 scale "experiment" to be run on the natural environment extremely risky.
- (3) We consider it a proven fact that in the case of completing the Dunakiliti-Hrusov Reservoir, trophity conditions will change adversely, characterized by a several-fold multiplication of algal biomass. This will represent an increase in the organic load of internal origin that will exceed the external load coming from the watershed along the reach between Bratislava and Budapest and will impact adversely on the several hundred kilometre long downstream reach of the Danube.
- (4) It is to be clarified whether the Reservoir has such a mode through which the reproduction of algae can be at least periodically controlled.
- (5) We consider those interactions especially problematic that are the consequences of the simultaneous presence of different pollutants. The majority of these are triggered by the increase in trophity. Thus the possible appearance of anaerobic conditions in the Reservoir (depending also on the removal of the top layer), the impact on bank filtering, the impact on the transport of toxic heavy metals due to a change in the composition of suspended sediment, and furthermore, a demand for modifying water treatment technologies as a result of a change in the composition of raw water can be mentioned.
- (6) It is to be clarified how the amount of carcinogenic by-products of chlorination produced from the algae and their metabolic products during water treatment can be controlled and what technological changes should be implemented for this purpose and to remove the increased amount of algae at the surface water treatment plants in Látatlan and Budapest.
- (7) The managing of the river for operation at peak-flow would influence water quality in many ways (both positively and negatively). The position taken up by the Hungarian delegation is that a predominance of adverse impacts can be expected, but at the present level of our knowledge no scientific statements can be made with the necessary accuracy. The uncertainties are, therefore, to be considered as risk factors also in this case.
- (8) To the knowledge of the Czechoslovak delegation, no studies have been carried out (not even in Czechoslovakia) on the chemical composition and the impacts on human biology of the asphalt cover and

its coating which was laid down at the upstream reach of the power canal, as well as at certain parts of the Czechoslovak side of the Dunakiliti-Hrusov Reservoir. The application of the technology took place based on only several decades of experience in Czechoslovakia. We consider it essential to clarify through studies whether substances harmful to human health could get dissolved from the asphalt and its coating (polycyclic aromatic hydrocarbons) or substances hindering the water treatment process (e.g. resulting in bad odour with chlorine).

(9) With respect to the planned water replenishment systems supplying water to the branch, we found that, having shelved its earlier plan corresponding to the arrangements on the Hungarian side, the Czechoslovak Party prepared a new plan with special consideration for the unfavourable study results on colmatation. This confirms our concerns about the water replenishment system and makes a comparative evaluation of the two plans necessary.

(10) Due to the known reduction of water resources in the country, the value of the water resources located under Kisalföld and supplied from the Danube increased significantly. The barrage, the alteration of riverbed conditions, the development of the water replenishment system and the dredging fundamentally change the infiltration conditions and the ensuing damages in quantity and quality may affect not only bank filtering, but, over time, also the whole water resources stored. It is to be clarified through studies what measures should be taken to protect our water resources representing potential drinking water for over two million people (and also important for future generations).

(11) The more stringent formulation of the Hungarian position (conservation of drinking water resources, self-cleansing etc.) has its root in the geographical (lowland) situation of the country.

(12) In conclusion, the clarification and the resolution of the deficiencies and problems raised is possible only within the framework of a comprehensive study programme carried out for several years.

Bratislava, September 27, 1989

(signature)

Dr. Árpád Berczik

Appendix 3.

The position of the Czechoslovak delegation

1. Based on the Czechoslovak research results and the collected documentation, the subsurface water resources will increase on both the Czechoslovak and the Hungarian side due to an increase in the water level in the Dunakiliti-Hrusovo Reservoir. At the same time, the water table gets stabilized at a higher level than the present one.
2. The seepage canals constructed on both sides of the Reservoir and along the upstream reach of the head-race canal prevent the excessive seepage of water to the sides and the possible soaking of the area near the dyke of the Reservoir.
3. Only some of the suspended particles will get deposited in the Dunakiliti-Hrusovo Reservoir, some of it will be carried downstream by the water. Primarily inorganic substances will get deposited in the Reservoir. To overcome the ensuing filtering resistance, technological measures should be taken that ensure the enhancement of the infiltration system on the bottom of the Reservoir. Such measures are included in the technical plan.
4. To resolve the problems of the flood plain, an appropriate amount of water will be guaranteed in Czechoslovakia. This way the water supply into the branches and the flooding of these areas to maintain the forest ecosystems and the whole vegetation are resolved. Similar measures are recommended also for the Hungarian side.

5. In order to implement the measures recommended under Items 2 and 3, it is advisable to operate the Gabčíkovo Barrage at peak-flow.
6. The amount of autochthonous organic matter present in the Reservoir does not considerably influence the self-cleansing capacity of the water.
7. From an engineering aspect, the problems of the water resources serving as a water supply for the population of Budapest do not have a direct relationship with the operation of the Barrage System. This problem dates back to earlier times and, according to the Hungarian Party, this issue will be resolved.
8. The experiences obtained by the Czechoslovak Party may be used for the implementation of water producing works and for taking measures for water conservation in Szigetköz.
9. The majority of potential problems raised by the Hungarian Party and based on assumptions can be studied only by developing a monitoring system during the operation of the Barrage System.
10. In the Czechoslovak Party's view, the present level of knowledge on the affected area along with the possibilities of the engineering solution are sufficient to carry out the filling up of the Dunakiliti-Hrusovo Reservoir and the upstream reach of the power canal in accordance with the original schedule approved by the Governments of the CSFR and the Hungarian People's Republic.

(signature)

Ludovit Weismann
Academician

Annex 27

LETTER FROM MR. MIKLÓS NÉMETH, HUNGARIAN PRIME MINISTER, TO MR. LADISLAV ADAMEC,
CZECHOSLOVAK PRIME MINISTER, 4 OCTOBER 1989

**President
Council of Ministers of the Hungarian People's Republic**

To Comrade Ladislav Adamec
Prime Minister of the CSFR
Prague

Dear Comrade Prime Minister!

In your letter dated 31 August, you informed me that you had examined the Hungarian proposals submitted at the time of our joint negotiations in Budapest on 20 July and that you had arrived at the conclusion that you would still insist on the continuation of the construction of the Gabčíkovo-Nagymaros Barrage System in accordance with the Treaty of 1977.

I am worried about the situation that you have examined our recommendations and developed your position in such a manner that in the period between 20 July and the 31 August date of your letter, there were no substantive discussions held between experts of the two sides as to said recommendations and that it was only during the meeting of Deputy Prime Ministers on 9 September that an agreement was reached on having meetings and consultations between legal and ecological experts

My concern is increased by the fact that scientific opinions did not come any closer to one another during the course of these meetings.

Dear Comrade Prime Minister!

Several highly regarded representatives of the scientific community have indicated serious ecological dangers. These, by their very nature, could be proven beyond doubt if the Project was built and operated, as originally conceived, but the present level of scientific probability is sufficient to call for an amendment of the original plans.

Taking into consideration the progress of construction, both nations are presented now with a final opportunity to balance the joint plant with the demands of environmental protection. I am convinced that our Governments are being guided by the desire to make this complicated matter clear to our peoples and by a responsibility to future generations and that it is our common duty to make sure that our two new nations harmonise our respective and joint interests fully and in a worthy manner.

The Hungarian Government, inspired by this historic responsibility, suspended work connected to the Nagymaros Barrage within Hungary, on 13 May. During the course of my meeting with you on 20 June, I gave an explanation as to our decision to do so and I informed you as to the period of time for which the said suspension would be in effect and the work which would be involved.

At the same time, a legal dispute has developed between the two nations as to the extent of the legality or illegality concerning the Hungarian party's measures and concerning the refusal of the Czechoslovak party to examine the Hungarian suggestions on their merits.

I would like to emphasise that the Hungarian Government used international environmental law as its starting point, which requires that in the event that environmental dangers are perceived, states have the right and obligation to suspend work in the interest of avoiding undesirable ecological effects and to commence negotiations. The Hungarian party considers these measures, to the best of its belief, to be entirely lawful. Thus, I do not find your claims for compensation for damages, as signalled in your letters, to have any grounds.

I found myself unable to comprehend those statements made in the name of the Czechoslovak Government which refer to technical measures to be undertaken on the sovereign territory of the CSSR in the event that the closure of the riverbed at Dunakiliti is delayed. Certainly you have been informed as to the danger of ecological catastrophe such a move would pose both to Szigetköz in Hungary and, in the event of flood, to Bratislava. The Czechoslovak Government's responsibility in this case is obvious. Such measures would not only make their effects felt on the relationship between the two countries, but could become a much wider, international issue. The spirit of the personal discussion that you and I have had in the past give me hope that this unworthy situation may be avoided by our peoples.

I trust that prior to our forthcoming personal discussions, the situation and political atmosphere will develop so as to allow issues concerning the protection of the human environment to have primary importance during the course of these discussions and that the Czechoslovak party will take into consideration the warnings of grave ecological danger issued by the Hungarian party's scientific bodies. We cannot agree with the general Czechoslovak opinion that the majority of the problems raised can be examined and resolved after the construction of the Barrage System and specifically the filling of the Dunakiliti-Hrusovo Reservoir. We consider the execution of experiments on nature having uncertain effects to be extraordinarily risky.

I emphasise, once again, that the Hungarian Government, acting upon warnings from the scientific community, finds it necessary to clarify the ecological state of necessity which would be caused by the commencement of operations of the Barrage System according to the original plans.

We propose that, for the purposes of minimising the environmental risks posed by the Dunakiliti-Hrusovo reservoir, an agreement as to the development and realization of a program for the complex system of water quality protection, technical, operational, and ecological guarantees be concluded. This must be achieved by further specifying the requirements provided for in Articles 15 and 19 of the (1977) Treaty, naturally taking into consideration, as well, that the requirements set earlier have not been adhered to according to the time schedule. We recommend that said agreement be concluded by July 30, 1990, at the latest.

The Hungarian Government proposes that the Hungarian and Czechoslovak Parties invite international scientific organs to control the implementation of the system of guarantees pertaining to water quality protection and technical operation concerning the Dunakiliti Hrusov Reservoir, the Dunakiliti dam, the power canal, the Gabčíkovo Hydroelectric Power Plant, and the Nagymaros section of the Danube.

Giving up the peak operation of the Barrage System would not only result in the non - appearance of harmful environmental effects in the region surrounding the Nagymaros Reservoir, but it would also reduce them along the upper sections of the system. For this reason, the Hungarian Government proposes joint discussions regarding technical/economic corrections pertaining to the abandonment of the construction of the Nagymaros Barrage and the corresponding amendment to the Hungarian-Czechoslovak Treaty signed 16 September, 1977.

Dear Comrade Prime Minister!

During this period when the Eastern European region is rife with a great deal of tension and is in the process of socio-economic rejuvenation, we can, if we reach agreement, set an example for the peoples of Europe that we are jointly capable of bringing man and the natural environment into harmony and can act together in such a matter of great importance.

Budapest, 4 October, 1989.

Comradely Greetings

Miklós Németh

Annex 28

*NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECHOSLOVAK SOCIALIST REPUBLIC
TO THE EMBASSY OF THE HUNGARIAN PEOPLES REPUBLIC, 30 OCTOBER 1989*

NOTE VERBALE

The Federal Ministry of Foreign Affairs of the Czechoslovak Socialist Republic presents its compliments to the Embassy of the Republic of Hungary in Prague and upon instruction of the Government of the Czechoslovak Socialist Republic has the honour transmit the standpoint of the Government of the Czechoslovak Socialist Republic concerning the construction of the Gabčíkovo-Nagymaros Barrage System as presecuted by L. Adamec, President of the Government of the Czechoslovak Socialist Republic, to M. Németh, President of the Council of Ministers of the Republic of Hungary at their meeting of 26 October 1989 in Bratislava.

The Government of the Czechoslovak Socialist Republic was ready to consider the Hungarian Party's proposal to sign an agreement between the Government of the Czechoslovak Socialist Republic and the Council of Ministers of the Hungarian People's Republic on a system of technical, operational and ecological guarantees related to the Gabčíkovo-Nagymaros Barrage System. The Czechoslovak Party is willing to sign an agreement to this effect shortly based on the assumption that the Hungarian Party will immediately commence preparatory work on the refilling of the Danube's bed in the region of Dunakiliti.

The Czechoslovak proposal is based on the presumption that the competent water management organs of the two states prepare the technical principles of the said agreement within two weeks which can be initiated at the level of Deputy Ministers for Foreign Affairs. After the initailling of those principles the Hungarian Party should start the actual closure of the Danube bed. The text of the agreement has to be elaborated so that it could be signed before the end of March 1993.

The Government of the Czechoslovak Socialist Republic suggested the conclusion of a separate agreement in which both parties would oblige themselves to limitations or exclusion of peak hour operation mode of the Gabčíkovo-Nagymaros Barrage System. By way of this suggestion the Czechoslovak Party concerning tried to clear away the misgivings of the Hungarian Party concerning the potential ecological effects of the peak load operation mode.

Furthermore, the Government of the Czechoslovak Socialist Republic proposed to invalidate statements contained in the Protocol of February 1989 referring to the Nagymaros dam and thereby to return to deadlines indicated in the Protocol of October 1983. The Czechoslovak Party puts forward this compromise in order to enable the Hungarian Party to utilise the time thus gained to investigate ecological questions and to put forward its proposals in due time.

All proposals put forward by the Government of the Czechoslovak Socialist Republic originate in, and are in complete concordance with, the Treaty signed by the Czechoslovak Socialist Republic and the Hungarian People's Republic on 16 September 1977 on the construction and operation of the Gabčíkovo Nagymaros Barrage. The Hungarian Party made the acceptance of the Czechoslovak proposals conditional upon acceptance by Czechoslovakia the modification of the Treaty of 1977 on the construction of the Gabčíkovo-Nagymaros Barrage System with the view's to abandon the construction of the Nagymaros Barrage. The Government of the Czechoslovak Socialist Republic sees no justification for a modification of the aforementioned Treaty.

Should the Hungarian People's Republic decide unilaterally - in conflict with its international legal liabilities - to abandon the Nagymaros project then the Czechoslovak Party shall demand compensation and the reimbursement of its losses resulting from such a decision.

However, the Government of the Czechoslovak Socialist Republic in view of the fact that differences of opinion continue to exist even after the meeting of Prime Ministers of 26 October 1989 held in Bratislava maintains its position towards the Government of the Republic of Hungary to the effect that it fulfil its liabilities in connection with the construction of the Gabčíkovo Barrage in such a manner as to allow the completion of the project in accordance with the relevant binding agreements, with the provision that a separate agreement shall be signed on the system of technical, operational and ecological guarantees, as indicated above.

8. Should the Republic of Hungary fail to meet its liabilities and continue unilaterally to breach the Treaty and related legal documents then the Czechoslovak Party will be forced to commence a provisional, substitute project on the territory of the Czechoslovak Socialist Republic in order to prevent further losses. Such a provisional project would entail directing as much water into the Gabčíkovo dam as agreed in the Joint Construction Plan. The Federal Ministry of Foreign Affairs of the Czechoslovak Socialist Republic avails itself of this opportunity to renew to the Embassy of the Republic of Hungary the assurances of its highest consideration.

Prague, 30 October 1989

Annex 29

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
EMBASSY OF THE CZECHOSLOVAK SOCIALIST REPUBLIC, 3 NOVEMBER 1989

NOTE VERBALE

663-50

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czechoslovak Socialist Republic and requests the Embassy to inform its government without delay about the following:

The Council of Ministers of the Republic of Hungary on the basis of the resolution passed by the Parliament on 30 October 1989, is initiating the amendment of the Treaty, signed on 16 September 1977 by the Hungarian People's Republic and the Czechoslovak Socialist Republic concerning the construction and operation of the Gabčíkovo-Nagymaros Barrage System.

By putting the Barrage System into operation according to the original plans both Hungary and Czechoslovakia would find themselves in an ecological state of necessity, therefore the Hungarian Party deems necessary the elimination of the peak load operation of the Barrage System and accordingly it deems necessary the relinquishment of the construction of the Nagymaros Barrage.

The Hungarian party considers it necessary to cancel that part of the protocol signed in February 1989 on the acceleration of the construction of the Nagymaros Barrage System .

The Hungarian Party considers it necessary to conclude an inter-governmental agreement in order to minimise the environmental risks present in the normal operational mode of the Dunakiliti-Hrusovo Reservoir and the Gabčíkovo hydroelectric power plant and to provide for a system of guarantees, which include the preservation of water quality, technical operational maintenance and ecology, relating to the Dunakiliti-Hrusovo Reservoir, the Dunakiliti Barrage, the Gabčíkovo hydroelectric power plant, the power canal, and the river section of the Danube as far as Nagymaros.

The precondition of filling up the Dunakiliti-Hrusovo Reservoir is the conclusion of the inter-governmental agreement. In case of a Czechoslovak statement of intention about, the conclusion of the inter-governmental agreement, the preparatory work of the riverbed diversion at the Reservoir can be continued.

The Hungarian government wishes to inform the government of the Czechoslovak Socialist Republic that the detailed textual proposal on an amendment of the interstate treaty will be presented within the framework of adequate legal procedures in November 1989.

The Council of Ministers of the Republic of Hungary once again expresses its intention to continue , at a level also acceptable to the Czechoslovak Party, negotiations as soon as possible on the initiation of the amendment of the Treaty.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew its highest consideration to the Embassy of Czechoslovak Socialist Republic. .

Budapest, 3 November 1989

To the Embassy of the
Czechoslovak Socialist Republic
Budapest

Annex 30

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
CZECHOSLOVAK SOCIALIST REPUBLIC, 30 NOVEMBER 1989

NOTE VERBALE

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czechoslovak Socialist Republic, and with reference to *Note Verbale* No. 663-50 of the Ministry of Foreign Affairs dated November 3, 1989 and all those antecedents respectively, connected to this Note, has the honour to present the draft of the Treaty of the Hungarian party in reference to the modification of the Treaty concluded in Budapest, September 16, 1977 between the Republic of Hungary and the Czechoslovak Socialist Republic concerning the execution and operation of the Gabčíkovo-Nagymaros Barrage System.

The Hungarian party prior to negotiations, and subject to an agreement to commence the negotiations is ready to hand over a Treaty pertaining to the execution, conclusion and operation of the Joint Danube Barrage System, as well as a proposed system of requirements for an inter-governmental agreement which provides for the quality of water and ecological guarantees.

During the compilation of the Treaty draft one of the main aims of the Hungarian party was that, with the commencement of operations of the Gabčíkovo-Nagymaros Barrage System according to the original plans the territories of both the Republic of Hungary and the Czechoslovak Socialist Republic would enter an ecological state of emergency and suffer from serious environmental damage. Moreover an ecological catastrophe could occur.

These reasons make the fulfillment of the 1977 Treaty without any modifications impossible.

The Ministry of Foreign Affairs requests the Honoured Embassy to forward the draft of the Treaty to the relevant Czechoslovak authorities. The Hungarian party would highly appreciate it if the Czechoslovak authorities carefully studied the Hungarian proposal and took the above mentioned dangers into account in the elaboration of their own opinion, together with the most economically sensible options under the circumstances and the interdependence between them which has resulted from their mutual responsibility.

In the interest of all this the Hungarian Party is ready to provide the Czechoslovak Party, if requested, with further information or to consult and at the same time initiate negotiations on an amendment of the Treaty and an agreement on ecological guarantees respectively.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Czechoslovak Socialist Republic the assurances of its highest consideration.

Budapest, 30 November, 1989

The Embassy of the Czechoslovak
Socialist Republic

TREATY BETWEEN THE REPUBLIC OF HUNGARY AND THE CZECHOSLOVAK SOCIALIST REPUBLIC
 CONCERNING THE AMENDMENT AND THE MAJOR PRINCIPLES OF AMENDING THE TREATY SIGNED
 AT BUDAPEST ON 16 SEPTEMBER 1977 REGARDING THE CONSTRUCTION AND OPERATION OF THE
 GABCIKOVO-NAGYMAROS BARRAGE SYSTEM.

Introduction: For the avoidance of ecological state of emergency resulting from the construction of the Gabčíkovo-Nagymaros Barrage System according to the 16 September 1977 Treaty the Hungarian party proposes the omission of the peak operation of the Barrage System and the abandoning of the construction of the Nagymaros Barrage.

If ecologically tolerate conditions are established the Hungarian party is prepared to complete and operate the remaining installations. Therefore if the Czechoslovak party is prepared to amend the Treaty of 16 September 1977, and to abandon the construction of the Nagymaros Barrage and manifests its intention to conclude an ecological-guarantee agreement (see Article 2a. of the draft treaty as well as the draft agreements appended to be the "Theses") then the Hungarian party will immediately proceed with the preparatory operations for the Dunakiliti bed-decanting.

It is only after the conclusion of a guarantee-system agreement that the bed can be filled up. These objectives are set forth within an international legal framework which consists of the draft treaty below and the draft entitled "Theses between the Republic of Hungary and the Czechoslovak Socialist Republic on the treaty concerning the construction of the Joint Danube Dam", as well as its Annex to be handed over before the start of the negotiations.

The Republic of Hungary and the Czechoslovak Socialist Republic attaching continuously great importance to the utilisation of the common section of the Danube,

becoming aware as a result of projects in scientific knowledge, of the significant risks which the completion of the Gabčíkovo-Nagymaros Barrage System according to the original plans of the Treaty of September 1977 may imply;

taking duty into consideration the present state of advancement of the Gabčíkovo Dam,

attaching paramount importance to the interests of the present and future generations to maintain a healthy natural environment,

being conscious of the fact that the friendship and good neighbourly relations of the two nations and states sharing the common section of the Danube can only be strengthened by taking the interests of both countries into consideration and properly applying the general principles and miles of international law,

have decided to amend the Treaty of 16 September 1977, signed at Budapest concerning the construction of the Gabčíkovo-Nagymaros Barrage System and for this purpose the have appointed their plenipotentiaries:

the President of the Republic of Hungary.....

the President of the Czechoslovak Socialist Republic.....

who after excusing and exchanging their credentials in due form have agreed upon the following:

Article 1:

/1/ The Contracting Parties resolve to amend the Treaty of 16 September 1977 between the People's Republic of Hungary and the Czechoslovak Socialist Federal Republic concerning the construction and operation of the Gabčíkovo-Nagymaros Barrage System (hereinafter referred to as the Treaty) in such a manner as to harmonise the interests in developing of water management, energy, transportation, agriculture and other national economic branches in the region in connection with the utilisation of the

joint section of the Danube with the interests in presenting the natural environment and in minimising to the extent possible the ecological risks.

/2/ In order to realise these objectives they have decided to eliminate the application of peak mode operation and to abandon the construction of the Nagymaros Barrage.

Article 2:

In order to achieve the objectives set forth in Article 1 the Contracting Parties will conclude a treaty (agreement)

- a) on the establishment of a complex technical, operational and ecological guarantee system, aiming at protecting water quality as well as at reducing or rather eliminating the environmental risks of the Dunakiliti-Hrusov reservoir,
- b) on the completion of the construction and operation at the Gabčíkovo Barrage which will be referred to as the Joint Danube Barrage, in a shortened form the Barrage, and
- c) on mutual account of costs, expenditures, expenses and damages resulted or resulting from the amendment of the Treaty.

Article 3:

/1/ Differences which may arise in connection with the construction and operation of the Barrage including disputes resulting from steps to be taken in order to protect the natural environment should be settled by the government plenipotentiaries in the first instance.

/2/ If an agreement by the government plenipotentiaries could not be reached within a reasonable period of time, then the difference shall be submitted to the governments of the Contracting Parties for decision.

/3/ If an agreement cannot be reached by the two governments either in the case of unsettled questions within....., then either of them is entitled to submit the dispute to international arbitrate tribunal¹ or to the International Court of Justice. On the basis of an agreement or due to threatening environmental emergency this deadline can be shortened appropriately.

/4/ Without prejudice to provisions of paragraphs /1-/3/ and subject to parallel informing the other Contracting Party, in the case of significant danger directly threatening the natural environment, The Contracting Parties shall, have the right

- to take nay urgent measures necessary to avert danger even without having recourse to procedures set forth in paragraphs /1/ and /2/ . The justified expenses resulting from these measures shall be borne by the two states in an equal proportion.

 1* The rules concerning the establishment and the proceedings of the tribunal should be formulated in the course of the negotiations.

/5/ The Contracting Parties declare that they accept the decision of the Arbitrate Tribunal or the International Court of Justice as binding upon them.

Article 4:

/1/ This Treaty enters provisionally into force upon its signature, the Contracting Parties will as from that date, disregard the application of the provisions of the Treaty at 16 September 1977 as well as supplementary Protocols of 15 October 1983 and 6 February 1989 being in contradiction with the present Treaty.

/2/ This Treaty may be amended by mutual agreement of the Contracting Parties. Negotiations shall start immediately to supervise and and the provisions of the Treaty if any of the Contracting Parties wishes so provided that its initiative is justified by an connection with the completion of objectives set forth in the Treaty. If a difference of views emerges between the Contracting Parties on whether there are bases relating to the protection of the natural environment justifying the amendment of the Treaty, the appropriate provisions of Article 3 shall be applied to the settlement of their dispute.

In witness whereof the plenipotentiaries have signed and sealed this Treaty.

Done..."

Annex 31

Note Verbale from the Ministry of Foreign Affairs of The Republic of Hungary of the Republic of Hungary to the Embassy of the Czechoslovak Socialist Republic, 11 December 1989

NOTE VERBALE

The Ministry of Foreign Affairs of The Republic of Hungary presents its compliments to the Embassy of the Czechoslovak Socialist Republic, and has the honour to present with reference to initiatives concerning the modification of the Treaty signed between the Republic of Hungary and the Czechoslovak Socialist Republic on 16 September 1977 in Budapest for the Execution and Operation of the Gabčíkovo-Nagymaros Barrage System, included in Note No. 663-50 of 3 November 1989 and Note No. . . of 30 November, as well as the draft of the legal document contained in the Appendix and the antecedents presented on 20 July 1989 and in the course of the meetings between the heads of our two countries, the following proposal for the commission of the Cabinet of Ministers of the Republic of Hungary.

Having observed the process of transformation currently being undergone by the system of political institutions in Czechoslovakia the Cabinet of Ministers of the Republic of Hungary fully understands why the Government of the Czechoslovak Socialist Republic has so far failed to respond to the Hungarian Party's initiatives for the modification of the Gabčíkovo-Nagymaros Agreement.

Based on the understanding that, at the present time, the Government of the Czechoslovak Socialist Republic cannot be expected to deal with matters related to the Barrage System on the merits of the issue and with full responsibility the Cabinet of Ministers of the Republic of Hungary hereby proposes that the hitherto uncommenced negotiations be postponed to a time more suitable for both parties - at the same time maintaining the validity of the Hungarian initiative for the modification of the Gabčíkovo-Nagymaros Agreement. The Hungarian Government hereby proposes that construction work be suspended until the commencement, and in the course of, the negotiations and that for the time being only maintenance work be carried out on the Barrage System.

The nature and scope of the maintenance work shall be harmonised by the Government Commissioners in January 1990.

On the basis of the above the Cabinet of Ministers of the Republic of Hungary proposes that an agreement be signed concerning the postponement of negotiations concerning the initiative for the modification of the Agreement concerning the Barrage System and the cancelling of construction work on both sides thereto.

The Ministry of Foreign Affairs of The Republic of Hungary hereby requests the Embassy of the Czechoslovak Socialist Republic to forward the proposal of the Cabinet of Ministers of the Republic of Hungary to the relevant Czechoslovak authorities.

The Ministry of Foreign Affairs of The Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Czechoslovak Socialist Republic the assurances of its highest consideration.

Budapest, 11 December 1989

Annex 32

LETTER FROM MR. MIKLÓS NÉMETH, HUNGARIAN PRIME MINISTER, TO MR. MARIAN CALFA,
CZECHOSLOVAK PRIME MINISTER, 10 JANUARY 1990

Marian Calfa

Prime Minister of the CSFR
Prague

Honorable Prime Minister!

As you well know, the Government of the Republic of Hungary has repeatedly attempted to initiate the amendment of the Treaty Regarding the Construction and operation of the Gabčíkovo -Nagymaros Barrage System, concluded 16 September, 1977 and the preparation of the said amendment at a scientific expert level. The Hungarian party has made several proposals to this end. Last year, over a period of six months, there were three meetings between our respective Heads of Government. Although our positions did come closer to a certain extent, our discussions led to no results. The fact that our respective positions have become fixed, which will presumably lead to legal conflicts and has led to a so-called technical provisional solution, will, above all, become a source of tension between the Governments of our respective nations.

I would remind you that on 31 October, 1989, the Parliament of the Hungarian republic authorized the Council of Ministers to initiate, a legal process for an amendment of the said international treaty. This is what was communicated in our *Note Verbale* oral memoranda dated 3 November and 30 November.

We completely understand the fact that during the last few weeks, during this period of a change for modern Czechoslovakia the new Government you lead was not able to consider the amendment of the said treaty to be of prime importance.

I am in receipt of an increasingly greater amount of information regarding the fact that now, in the midst of your significant effort to build a new society, you are finally able to sacrifice some time to the questions concerning our common section of the Danube. The Hungarian government welcomes the commencement of new scientific studies in Czechoslovakia on the questions of the joint reservoir and the Gabčíkovo hydroelectric power plant. I believe that the political and social reform process in our nations has finally broken down the wall which obstructed the revelation of the true environmental effects of the Barrage System and for the preparation and execution of a decision which is in the long term interests of the peoples of both our nations.

Honorable Prime Minister!

History at the present time offers us the opportunity to reassess the Barrage System in depth governed by natural science, technical and economic considerations, freed from the fetters of the earlier political decisions made by our Governments.

As you well know, the Hungarian Government has taken measures to dissolve to terminate any contracts in private law which serve to further the construction of the Nagymaros Barrage. The Hungarian Government's position remains unchanged with respect to the Nagymaros Barrage System.

I recommend that we not hold detailed negotiations towards the amendment of the interstate treaty, as initiated in our *Note Verbale* dated 30 November, 1989, but rather that a joint Czechoslovak-Hungarian scientific study, with the involvement of international scientific organizations, examine the complex ecological effects of the Dunakiliti-Hrusovo Reservoir, the Gabčíkovo hydro-electric power plant and the power canal, along with the assessment of the present environmental situation and the recording thereof, and that we make the commencement of operation of the reservoir and the Gabčíkovo hydro-electric

plant dependent on the results thereof. On the basis of the results of the aforementioned, then, we would decide upon the amendment of the inter-state treaty or the conclusion of a new treaty.

It is my opinion that this study and the full assessment thereof can be completed in the first half of the year. Following this, in the second half of the year, negotiations as to the modification of the (1977) treaty can commence. This timetable allows for the final decisions to be made by the new Governments and Parliaments which will be formed after the Hungarian and Czechoslovak elections.

I would like to inform you that the Hungarian party shall suspend construction work during this period and shall only preserve the existing 'status quo' I would recommend the attention of the Czechoslovak Government to the same.

Our recommendation is founded upon the initiatives we made between 20 July and 30 November 1989. Thus, I would, for example, remind you that on 20 July, the Hungarian Government in one of its proposals suggested the suspension of construction work for a period of 3-5 years and that joint studies serve as the basis of our decisions.

Honorable Prime Minister!

I am convinced that our Governments are being guided by the desire to make this matter for before our peoples and for our responsibility to future generations and that it is our common duty to make sure that our two nations reconcile our respective and joint interests in their full scope and in a creditable manner. With our agreement, we can prove to the peoples of Europe that we are able to bring man and the natural environment into common harmony.

Budapest, January 10, 1990.

With Sincere Respect,

Miklós Németh

Annex 33

LETTER FROM MR. MARIAN CALFA, CZECHOSLOVAK PRIME MINISTER, TO MR. MIKLÓS NÉMETH,
HUNGARIAN PRIME MINISTER, 15 FEBRUARY 1990

The Prime Minister of the Czechoslovak Socialist Republic

Prague, 15 February 1990

In your letter of 12 January 1990 you called attention to the unsuccessful negotiations between the representatives of the CSFR and the Hungarian Republic which were held on 12 January 1990 and dealt with the new approach of the Government of the Hungarian Republic in connection with the operation of the Gabčíkovo Nagymaros Barrage System after 13 May 1989.

In harmony with the suggestions submitted in your letter, and in the 30 November 1989 Note Verbale of the Ministry for Foreign Affairs of the Hungarian Republic I support the immediate renewal of the bilateral negotiations which would lead to joint conduct concerning the putting into operation of the Gabčíkovo Barrage during the year of 1991. In the meantime in the course of the negotiations you would elaborate the basic principles of the Interstate Treaty on the construction and operation of the Gabčíkovo-Nagymaros Barrage System signed on 16 September 1977 and the basic principles of the suggested changes in further contractual documents concerning the utilization of the joint Danube section so that the basic documents prepared might be discussed by the Government of the CSFR and the General Assembly of the CSFR in June 1990.

With sincere respect

Marian Calfa

To his excellence
Miklós Németh
President of the Council of Ministers
of the Republic of Hungary

Annex 34

OMITTED

Annex 35

LETTER FROM MR. MIKLÓS NÉMETH, HUNGARIAN PRIME MINISTER, TO MR. MARIAN CALFA,
CZECHOSLOVAK PRIME MINISTER, 6 MARCH 1990

The President of the Council of Ministers of the Republic of Hungary

Marian Calfa
Prime Minister of the CSFR
Prague

Dear Mr. Prime Minister!

I have received your letter in response to my letter dated 10 January 1990. In light of this I gather that with the building of the new Czechoslovak society you are now able to accord sufficient attention to the joint clarification of the questions regarding the building of the Gabčíkovo-Nagymaros Barrage on a governmental level as well.

While I welcome the support for the resumption of the bilateral negotiations, I determine with regret your refusal to take part in the decision of the fate of the Gabčíkovo Barrage via well founded and objective scientific and specialist examinations which I had initiated in my letter.

Dear Mr. Prime Minister!

I disclosed the position and proposal of the Council of Ministers of the Republic of Hungary in my letter dated 10 January 1990.

I hereby inform you that the political parties and environmental movements in Hungary support this concept. Our proposals were not only considered by you on international negotiations and diplomatic channels but were also mutually viewed as a means of expression with which to break links with the past, establish new political ties and settle the barrage issue in a reassuring manner.

Please consider the contents of my letter dated 10 January as the position of my Government and the notification of our arrangements according to the following.

1/ The negotiation regarding the Hungarian proposal to modify the contract containing the pressured compromise should not be held.

Hungarian and Czechoslovak joint scientific expert examinations with the assistance of international scientific institutions should begin with regard to the complex ecological effects of the Gabčíkovo Barrage the results of which should determine the possible putting into operation of the reservoir and the Gabčíkovo power station.

2/ Subsequent to the examinations, on the basis of their results, negotiations should begin regarding the modification of the Interstate Treaty. After the elections the established governments and parliaments should render their decisions.

3/ The Hungarian party will suspend work during the examinations and negotiations and will only complete conservation and flood protection work. We suggest to the Czechoslovak Party that it also suspend works on the Gabčíkovo power plant and its installations in a similar way and restrict itself to the of prevention of damages.

Dear Mr. Prime Minister!

I concluded my January letter with the thought that it is our joint objective to completely harmonize the collective and individual interests of the two countries in upright manner.

I will complete this thought by disclosing that in light of your previous state function and participation in

last year's prime ministerial meetings you are well aware of the environmental effects of the barrage so please examine my proposal once again. We should not let the historic opportunity offered by the social changes in our countries go by.

The handling of this issue includes not only the settlement of the fate of a gigantic investment fiasco but also a question affecting the social ties of Hungary and Czechoslovakia and the national happiness for the people of the two countries.

Budapest 6 March 1990

With sincere esteem,

Miklós Németh

Annex 36

LETTER FROM MR. DOMINIK KOCINGER, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY, TO MR. GYÖRGY K. SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, 19 JULY 1990

The Plenipotentiary of the Government of the Czech and Slovak Federal Republic and of the Government of the Slovak Federal Republic regarding the construction and operation of Gabčíkovo -Nagymaros Barrage System

Dominik Kocinger
Bratislava 19 July 1990

Dear Mr. Plenipotentiary!

Please accept my best wishes on the occasion of your appointment as the Plenipotentiary of the Government of the Republic of Hungary in the matter of the construction and operation of the Gabčíkovo -Nagymaros Barrage System. Please allow me to express my hope, on this occasion, that our cooperation will be significant and in the interests of our nations.

We welcome the declaration made during the press conference held in Budapest on 16 July 1990 according to which the Hungarian Party is attempting to find a just solution to the problems of the Gabčíkovo -Nagymaros Barrage System and I would like to assure you that it is also our interest to turn all of our resources towards finding a solution to the further fate of our joint investment. I would like to assure you that, we are ready to begin preliminary negotiations regarding the full scope of the disputed questions and I propose that our first meeting on these issues be held during the first three days of August of this year in Bratislava. In the event that my proposal is unacceptable to you for any reason, I am prepared to accept the date and time of your choosing for our meeting.

I once again ask that you accept my expressions of deep regard.

Signature

The Honorable
Dr. György Sámsondi Kiss
Plenipotentiary of the Government of the Republic of Hungary
Budapest, VII

Annex 37

MINUTES OF THE MEETING BETWEEN THE GOVERNMENT PLENIPOTENTIARIES HELD IN BRATISLAVA, 6 SEPTEMBER 1990, AND IN BUDAPEST, 17 - 18 OCTOBER 1990

MINUTES

Regarding the negotiations on 6 September in Bratislava and on 17-18 October in Budapest between the plenipotentiaries of the Republic of Hungary and the Czech and Slovak Federal Republic and the Government of the Republic of Hungary with regard to the questions concerning the Gabčíkovo-Nagymaros Barrage System.

The list of names of the participants may be found in Appendices 1 and 2 to these minutes.

The Plenipotentiaries agreed to the discussion of the following questions:

1. The situation regarding the Gabčíkovo-Nagymaros Barrage System.
2. The determination of the examinations necessary for the preparation of further decisions.
3. The renewal of the activity of the Joint Operational Group in accordance with the developed situation and the determination of the next assignments.

1/ The situation regarding the Gabčíkovo Nagymaros Barrage

The Hungarian Plenipotentiaries disclosed to the Czechoslovak party that the position of the Hungarian Government with regard to the Gabčíkovo Nagymaros Barrage may be found in the government document entitled "the National Revival Programme" which was forwarded by the Hungarian Plenipotentiary on an unofficial trip on 27 September 1990 to the Ambassador of the Czech and Slovak Federal Republic in Budapest.

With the aim of clarifying the situation between the contracting parties, the plenipotentiary of the Federal Government requests that the Hungarian party disclose its position with regard to the operation and completion of the building of the Gabčíkovo Nagymaros Barrage.

The Czechoslovak party notified the Hungarian Plenipotentiaries of its position. The Czechoslovak party will set down its position in the minutes subsequent to the presentation of the Hungarian party's official position.

2/ The determination of the examinations necessary for the preparation of further decisions.

The Plenipotentiaries of the Czech and Slovak Republic notified its partner on 6 September 1990 that the Government of the Slovak Republic approved the establishment of an Expert Committee at the Komenský University in Bratislava which is subordinate to the Plenipotentiaries of the Czech and Slovak Republic. The team's assignment is to perform research and to coordinate research which is performed by Federal and foreign scientific institutions with the assistance of the European Community. The Plenipotentiary of the Czech and Slovak Federal Republic proposes to the Hungarian party that it take part directly in the work of the Expert Committee with the participation of Hungarian specialists. In this case the direction of the specialist team would be governed by the Plenipotentiaries of both countries.

At the request of the Czechoslovak party, the Hungarian party promised to present to the Czechoslovak party before 15 November 1990 the assessment of the specialist opinion which substantiated the Hungarian party's decision to completely abandon the Nagymaros and suspend all works on the Gabčíkovo Nagymaros Barrage.

The Plenipotentiaries agreed to debate the presented material on their planned meeting in mid December and reach an agreement with regard to the specialist examinations necessary for the preparation of further decisions.

3/ The renewal of the Joint Operative Group's activity, in accordance with the developed situation, and the determination of the next assignments.

The Plenipotentiaries agreed that they will renew the activity of the Joint Operative Group. The Hungarian party discloses that on 15 October 1990 it named Dr. Lajos Zsámbocki as the director of the Hungarian section of the Joint Operative Group. They agreed the next meeting of the Joint Operative Group Team will be held between 5-9 November 1990 in Budapest with the following programme:

- 3.1 The procedure for the temporary operation of the weir at Dunakiliti.
- 3.2 The supervision regarding the validity of the flood prevention plan for the Dunakiliti region.
- 3.3 The discontinuation of faults and deficiencies detected by the Hungarian party with regard to the construction projects already built on Czechoslovak territory.
- 3.4 The flood prevention arrangements at the tail-race canal, the premises of the Gabčíkovo Barrage and the head-race canal.
- 3.5 The building of the internal water suction plant at Szalka.
- 3.6 The utilisation of raised land used on Czechoslovak territory by the contractors of the Hungarian party.
- 3.7 The removal of the earth impediment at the Gabčíkovo Hydroelectric Power Plant.
- 3.8 Notification with regard to the building of the observational construction projects and the results of the observations up to now.
- 3.9 Notification from the two parties of work completed by 1990 or in the process of being completed in 1990.

The Joint Operative Group Team will hold its next negotiation between 3-7 December 1990.

4/ Further initiatives of the Hungarian party.

The Hungarian Plenipotentiaries has already initiated, at a meeting on 6 September 1990, the joint organization of an international scientific conference for the ecological and scientific problems of the barrage.

The Hungarian Government Plenipotentiary informed and invited the Czechoslovak plenipotentiary to the Austrian, Czechoslovak and Hungarian trilateral conference regarding the development of land between Budapest and Vienna to be held in Budapest on 25-26 January 1991 with regard to the questions concerning land development and settlement arrangement in Budapest and Vienna.

The Hungarian Party notified its Czechoslovak partner of an initiative to establish a trilateral international nature protection park.

The Hungarian Plenipotentiaries notified the Czechoslovak party of the request sent to the World Bank for a reduction of the loan in the interest of the environment-friendly development of the region affected by the barrage system.

The Hungarian party stressed the importance of the consistently objective notification of public opinion.

The Plenipotentiary of the Czech and Slovak Government acknowledges the notification. He will disclose his possible participation in the trilateral conference at the next plenipotentiary meeting.

The Minutes were made in two copies in Hungarian and Slovak and is valid in both of these languages.

Budapest 18 October 1990.

The Plenipotentiaries of the Republic of Hungary,

Dr. György Sámsondi Kiss

The Plenipotentiaries of the Czech and Slovak Federal Republic,

Dominik Kocinger

Annex 38

LETTER FROM MR. GYÖRGY K. SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY TO MR.
DOMINIK KOCINGER, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY, 15 NOVEMBER 1990

**The Office of the Prime Minister
The Government Commissioner of the Danube Barrage
DV-KBT-529/90**

To Mr Dominik Kocinger
The Government Plenipotentiary of the
Czech and Slovak Federal Republic
Bratislava

Honoured Mister Commissioner!

We welcomed the visit of you and professor Mucha to us on 7 November. After examining your research proposal on the ecological modelling of the condition of subsurface waters in the Danubian Alföld submitted to us at this meeting, our standpoint is the following.

This research proposal is basically two-sided; it proposes the consultant's status for the Hungarian side in a programme which is of a Czechoslovak PHARE nature. This feature is in contradiction with our previous agreements according to which, in the preparation of a decision on the solution of the barrage problem, we were to set up joint professional groups and jointly choose nonpartisan experts in order to assist decisionmaking in the resolution of the problems relating to the Barrage System.

Nevertheless, we do not refuse to partake in the programme, if it can be changed to become a truly trilaterally balanced one. The programme could be acceptable to us after adoption by the Hungarian Scientific Academy or by the Technical University of Budapest. Mister Brinkhorst will also be informed on this, our standpoint.

Naturally, this project may be only part of the necessary exploratory research for the joint preparation of a decision. We want to return to these tasks in line with the spirit of the negotiations held with Minister Vavrousek and Government Commissioner Kocinger.

We regretted to see at our meeting on 12-18 October, that following the Slovak side's withdrawal we were unable to form the Joint Expert Commissions and to invite impartial experts to settle the open scientific questions, all the issues which were in accordance with our meeting of 6 September. We followed this and made no unilateral steps, we did not invite experts unilaterally.

To keep alive the procedure for the joint preparation of a decision, following Mister Kocinger government commissioner's request, we did consent, as an initial step, to hand over to our partner once again the summary of expert opinions that served as a basis for the Hungarian side's decisions up till now. The reason for this request was that allegedly at that time the Hungarian side had withdrawn these expert opinions.

At our meeting held on 7 November it was clarified that this withdrawal had not taken place. Nevertheless, for the sake of good cooperation I append to my letter the list of expert materials made in two languages from 1989 together with the enumeration of Hungarian official expert materials that served as a basis for Hungarian government decisions and joint expert discussions.

For next meeting, scheduled for the middle of December, according to the protocol at our meeting of 17-18 October, we shall prepare and deliver additional material useful for forming a basis for the joint preparation of the decision. This shall be the summary of joint expert materials and official materials that served as a basis for these materials.

Finally, I want to inform you Mister government commissioner, that in line with our discussion in September, that expert groups were formed in the Hungarian Academy of Sciences and that we are ready to agree on their composition with you.

Budapest, 15 November 1990

Respectively

Dr. Sámsondi Kiss György

Annex 39

LETTER FROM MR. DOMINIK KOCINGER, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY TO MR. GYÖRGY K. SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, 21 NOVEMBER 1990

On 19 November I got your letter from the Czechoslovak Embassy. In connection with the PHARE aid request let me express my conviction that our proposal for joint action does not conflict with our previous proposals. Already on 6 September, 1990 on the occasion of our first negotiations in Bratislava I informed you that the Czechoslovak party is planning to use the help of the Council of Europe in solving the open questions relating to the ecological environment in the operation of the Gabčíkovo Hydroelectric Power Plant.

In order to obtain the summaries which are accepted by both contracting parties I suggested that the Hungarian party take steps on the professional and financial arrangement for utilizing PHARE aid, which is up to this time only bilateral, namely it exists between Czechoslovakia and the Council of Europe. In order to speed up this process and to ensure the financial guarantee of the aid, we worked out a proposal with the following title: "Proposal for the agreement on mutual cooperation in connection with the PHARE programme". I sent you this proposal on 26 October 1990 with a request for the negotiation of it on 7 November 1990 and also to explore the possibility of concluding an agreement. Hence I can't see any contradiction involving former agreements, and neither can I see any evidence of unilateral steps.

Our proposal concerning the modelling system of surface and subsurface waters is valid even if we didn't get access to the PHARE aid. We might specify and solve other problems following this kind of method.

I am happy to recognize that the Hungarian party is ready to take part in the project and I expect your suggestions concerning the fulfilment of the trilateral treaty. It is my opinion concerning your regret that, because of the retraction of the Slovak party you were not able to organize the meeting of civic groups of experts on the agreed date of 6 September 1990. Since that time concerning the clarification of the open and scientific questions and the invitation of outside experts I have the following viewpoint: I also regret that it is not the Czechoslovak Party's fault that the signing of the protocol of the negotiations on 6 September wasn't able to be completed. You answered our proposal in the protocol sent by us after 30 days, when the preparations of the further negotiating materials had happened. I suppose you used the expression "Slovak party" by mistake since on the basis of the intergovernmental agreement and of the agreement on the statutes of commissioners I act in the name of the Czechoslovak Federal Republic and not on behalf of the Slovak party.

The fact of our submitting a proposal on the modelling system of the water quality, and that this proposal referred to a joint solution and to the territory of both states shows our willingness to solve the problems of the Gabčíkovo-Nagymaros Barrage System jointly. Namely this is such a question already covering more than the territory of the Gabčíkovo system.

On this question the first special committee can start work even without the negotiations of an intergovernmental commission. During the negotiations held on 7 November I gave the name of Prof. Muha who is the head of the Czechoslovak group and I also introduced him to you. This is how the Czechoslovak party envisions the formation of open questions, and this is how it likes to contribute to their settlement with facts and not with needless alienation.

From this aspect the annex of the material attached to your letter didn't meet with my expectations those which we commonly discussed (marked with "X") and especially those which were still not received by the Czechoslovak party (marked with two "X").

On the basis of the materials familiar to us it is not possible to establish the complex of problems which would be the object of research, and in the same way it is not possible to create special groups responsibly. It is possible that the scientific special opinions contain these materials which occur in your

annex, or in other materials being prepared by yourself for the preparation of the joint decision and which were not known before by the Czechoslovak Party until this time.

In order to organise the responsible preparation concerning primarily our further professional discussions and agreements, we would like to ask you, Mr. Commissioner to send us all the documents which can be of help with it.

Bratislava, 21 November 1990

Ing. Dominik Kocinger

Annex 40

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. MARIAN CALFA,
CZECHOSLOVAK PRIME MINISTER, 14 DECEMBER 1990

The Prime Minister of the Republic of Hungary

MET-5284/2/1990

To Mr. Marian Calfa,
Prime Minister of the Czech and Slovak Republic

Dear Mr. Prime Minister!

The unresolved issue of the Gabčíkovo - Nagymaros Barrage is a serious economic and political problem for my government and the country. I believe, it is in the interest of our countries and both of us that we determine the fate of the plant by the joint re-examination and modification of the interstate contract.

It appears that the bilateral negotiations concerning this, between the plenipotentiaries of the two countries, Mr. Kocinger and Mr. Sámsondi Kiss, have reached a standstill.

However, the negotiations between Minister Jozef Vavrousek, from your government, and Sandor K. Keresztes, Minister of Environmental Protection and Land Development on our part, seem promising.

During these negotiations, a principle agreement was concluded by the two ministers, with regard to the submission of a proposal concerning a joint intergovernmental committee to prepare an amendment of the Treaty between the two Governments. The work of the committee could be assisted by the experts of the European Communities according to our agreement with (EC.) Commissioner Ripa de Meana. The Czech and Slovak and Hungarian section of the committee will separately submit their proposals for their governments.

My government has already discussed and approved this proposal in September with the requirement that its implementation will depend upon the Czech and Slovak party's decision.

In this light, the question of the settlement of the issue not only has internal political relevance for both sides, but is also an impediment for bilateral relations and influences the international view of our countries; which is why I ask the Prime Minister to do everything possible in order for Minister Vavrousek to receive the necessary authorization for the establishment of a committee and for the commencement of negotiations.

Budapest 14 December 1990

Thank you,

József Antall

Annex 41

AIDE MEMOIRE REGARDING THE MEETING OF THE HUNGARIAN AND CZECHOSLOVAK GOVERNMENT
PLENIPOTENTIARIES, BRATISLAVA, 9 JANUARY 1991

AIDE MEMOIRE

Negotiations with regard to questions about the Gabčíkovo Nagymaros Barrage between the Plenipotentiaries of the Czech and Slovak Federal Republic and the Republic of Hungary which was held in Bratislava on 9 January 1991.

The appendix of the "Aide Memoire " contains the list of names of the participants of the negotiation.

The plenipotentiaries discussed the following questions:

1./ Regarding the notification of the resolutions of the Czech and Slovak and Hungarian governments.

On 20 December 1990 the Government of the Czech and Slovak Federal Republic discussed the announcement regarding the problems of the Gabčíkovo Nagymaros Barrage System and determined that the problems of the Gabčíkovo Nagymaros Barrage System must be resolved within the framework of the Interstate Treaty via negotiations between government delegations. Mr. V Meciár, the President of the Slovak Government, was named as head of the government delegation by the Czech and Slovak Federal Republic. The commencement of the negotiations will be determined by diplomatic itinerary.

On 20 December 1990 the Government of the Republic of Hungary determined that the Interstate Treaty was the result of a deficient decision because it did not take environmental protection points of view into consideration. The Government of the Republic of Hungary agreed with and confirmed the contents of previous government resolutions regarding the discontinuation of construction work. It gave authorization for certain ministers and commissioners to begin negotiations with the Government of the Czech and Slovak Federal Republic with regard to the dissolution of the 1977 Interstate Treaty and the drafting of a new contract.

2./ The handing over of the material contained in the minutes of the negotiation held in October 1990 in Budapest between the plenipotentiaries.

- (Assessment)

- (WWF material).

The Plenipotentiary of the Government of the Czech and Slovak Federal Republic promised to reveal by 15 February 1991 the position of the Czech and Slovak party with regard to the presented material. The Plenipotentiary will make a recommendation to the Plenipotentiary of the Hungarian Republic regarding further steps.

The Hungarian plenipotentiary announced that by 15 February 1991 the assessment of the principles which serve as the basis for the working out of a new contract will be revealed.

3./ The plenipotentiaries give the directors of the Joint Operational Group (JOG) the assignment to make an announcement with regard to the activity of the Joint Operational Group and to make a recommendation for the resolution of the debated questions.

4/ The Hungarian party gave notification of the assessment of International Law with regard to the situation of the building of the Gabčíkovo Nagymaros Barrage System and the procedure for the payment of losses occasioned on both sides by the discontinuation of building.

The "Aide Memoire" was made in two copies in the Slovak language.

Bratislava 9 January 1991.

Annex 42

LETTER FROM MR. MARIAN CALFA, CZECHOSLOVAK PRIME MINISTER, TO MR. JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 15 JANUARY 1991

**Prime Minister
Czech and Slovak Federal Republic**

Prague, 15 January 1991

Dear Mr. Prime Minister!

In reference to your letter of 14 December, please allow me to inform you as to the steps adopted by the Government of the Czech and Slovak Federal Republic regarding the Gabčíkovo-Nagymaros Barrage System.

The Government of the Czech and Slovak Federal Republic expresses its agreement to holding negotiations between governmental delegations with the Hungarian Party for the resolution of the complex problem of the Gabčíkovo-Nagymaros Barrage System and has named Vladimír Mečiar, President of the Government of the Slovak Republic, to be the leader of the Governmental Delegation which will conduct negotiations with the Hungarian Party.

The Government of the Czech and Slovak Federal Republic simultaneously authorises Josef Vavroušek, Minister of the Government of the Czech and Slovak Federal Republic to work in close contact with the President of the Slovak Environmental Committee in organising international assistance in judging the ecological problems.

Dear Mr. Prime Minister, I believe that the steps adopted by the Government of the Czech and Slovak Federal Republic will assist in resolving the complicated

matter of the Gabčíkovo-Nagymaros Barrage System .

With deep respect,

Marian Calfa

The Honourable
Mr. József Antall,
President of
the Government of the Republic of Hungary
Budapest

Annex 43

AIDE MEMOIRE OF THE MEETING OF THE EXPERTS OF THE HUNGARIAN AND SLOVAK ACADEMIES OF SCIENCES, BUDAPEST, 13-14 FEBRUARY 1991

AIDE MEMOIRE

From the discussions of the Hungarian Academy of Science (HAS) and the Slovak Academy of Science (SAS).

The subject of the discussions: Joint scientific research primarily on the ecological issues concerning the Hungarian - Czechoslovak shared Danube section and the areas related to it.

The date and place of discussion: 13 -14 February 1991, The Hungarian Scientific Academy/Budapest/ and the HAS' s Ecological and Botanical Institute /Vácrátót/.

Preliminaries: The Head - Secretary of the HAS in November 1990 called upon the Slovak Scientific Academy to propose expert groups to review the above mentioned topic. The Slovak expert group has only recently been prepared to entertain the said invitation.

The Representatives of the HAS.

xxx. list not translated

The representatives of the SAS. xxx

The delegations agreed that the subject of discussions is the Gabčíkovo-Nagymaros Barrage, as follows:

1. The evaluation of the previous cooperation
2. The conditions and possibilities of future cooperation
3. Measures necessary to take for the sake of future cooperation
4. Closing evaluation

1. The evaluation of the previous cooperation

Both delegations briefly described the previous results of the joint programme defined by the HAS and SSA under the auspices of the agreement on cooperation between these Academies, named as "The geological, hydrological and biologic-ecological research of Kisalföld and the utilization of scientific achievements in solving ecological problems".

The delegations shared the declaration that:

The results of previous cooperation in particular scientific fields are partial. The cooperation was envisaged in rather general terms and together with the shortage in material and technical aspects resulted in the fact that more research was performed not jointly but collaterally. The recent experiences could serve as a good basis for further, more intensive cooperation.

2. The conditions and possibilities for future cooperation

Surveying the present state of the exploration of problems related to the construction of the Gabčíkovo-Nagymaros Barrage System, both delegations declared:

1) The research on the consequences and ecological risks of the construction of the Gabčíkovo-Nagymaros Barrage System will be dealt with strictly on a scientific basis, without political considerations. The achievements reached that way should serve as a starting point in the making of objective decisions by the authorities of both sides.

2) The topics of cooperation:

a- To contribute to the knowledge about the impacts of the supposed ecological risks and consequences on the affected area.

b- To constitute a standardized monitoring net for the observation of the ecological changes of the area, together with a joint system of information and joint database.

c- To pursue joint research in order to get acquainted with the affected area, after harmonizing the working methods.

3) Further, the responsibility and center of interest should be directly concentrated on the institutes.

4) The cooperation is planned to be implemented according to the following stages:

a- First stage: (until 31 June 1991) In order to elaborate the framework agreement on cooperation between the HAS and the SAS as a precondition to firm cooperation a common/shared programme is necessary.

Exchange of information of concern to the area and connected problems.

The elaboration of the schedule of cooperation/

b- Second stage: (until 31 December 1991) The formation of joint expert teams.

The confirmation of those short-term or long-term plans for which the institutes of both Parties have been provided with the conditions necessary for firm cooperation.

c- The third stage will possibly last until 31 December 1992: The conclusion of short-term plans.

Continuous information on the long-term plans.

d- The fourth period possibly will last until 1995: Gradual conclusion of long-term plans.

After each stage an evaluation of the cooperation and its results will take place. At the same time, the parties will confirm future cooperation.

3. Measures necessary for the sake of future cooperation:

The delegations agreed that:

1. They will work out the catalogue of problems and ecological risks stemming from the construction of the Gabčíkovo-Nagymaros Barrage System. The mutual exchange of the catalogue should take place before the next meeting.

2. They will work out the programme proposal as to the plans connected to the affected area.

3. At the next meeting the delegations will be prepared to set up joint expert terms.

4. The proposal of the delegations is that the members of these teams will be experts approved by both sides. Foreign experts will be invited to join these teams only in the role of adviser or consultant if a joint solution by the parties has not been reached.

5. The basis of cooperation will be the inventory of existing knowledge on the affected area compiled by the relative institutes.

6. The intention of delegations is to ensure further cooperation in the international activity over problems related to the Danube flood plan and the ecological problems of states along the Danube.

7. Both delegations consider the Plan on the Establishment of the Trilateral Danube Park located nearby of great importance, the implementation and maintenance strategy of which should be underpinned by scientific research.

8. The request of delegations to the HAS and to the SAS to indicate the person or committee in charge of liason.

The discussions were characterized by mutual understanding and efforts to solve professionally the ecological risks and problems stemming from those threats to the territory of the Gabčíkovo-Nagymaros Barrage System. Progress has been made in clarification of the methods and tasks of future bilateral cooperation.

At the end of the meeting the delegation of the SAS informed the delegation of the HAS of the technical details and ecological aspects of C variant, approved by the Slovak government and on the ecologically valued D variant.

The signed agreements could serve as solid basis for the elaboration of firm programmes of future cooperation.

(signature)

(signature)

Dr. Milan Ruzicha
Director, Head of
Delegation

Dr. Árpád Berczik
Director, Head of
Delegation

Annex 44

LETTER FROM MR. DOMINIK KOCINGER, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY, TO MR. GYÖRGY K. SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, 15 FEBRUARY 1991

Telex!

**Plenipotentiary of the
Government of the Czech and Slovak
Federal Republic and of the
Government of the Slovak Republic
regarding the Gabčíkovo-Nagymaros Barrage System**

Dominik Kocinger

Bratislava, 15 February 1991

No.: SV-45/91

Dear Plenipotentiary!

During our meeting of 9 January 1991, I made a promise that I would send you the Czech and Slovak position on the materials I received from you at the meeting by 15 February 1991.

After studying the materials and asking the opinion of the Czechoslovak scientific and planning institutes and bodies and conservation organisations, I determine that these materials did not contain any new problems which have, as yet not, been discussed.

In my letter of 21 November 1990, No. SV-163/90, I requested all the materials on the list compiled by you by 15 November 1990. Unfortunately, I have yet to be sent those materials.

In the interests of debating the open questions related to the construction and operation of the Gabčíkovo-Nagymaros Barrage System, I propose that a meeting of Plenipotentiaries be convened during February 1991, during which we would form a joint working group. This working group would define those open questions which obstruct the construction and operation of the Hungarian side of the Gabčíkovo Hydroelectric plant and do so by the end of March 1991. We would then resolve these defined questions through experts, perhaps with the assistance of international specialist help.

At the same time, I determine that the Hungarian Party has yet to submit any technical proposal for the modification of the joint project which would be a basis for the negotiations of the Joint operative Group.

Dear Plenipotentiary! It is my conviction that we can develop a proper atmosphere for the completion of the Gabčíkovo-Nagymaros Hydroelectric Plant System through the resolution of the professional and technical problems.

With Greetings,

Dominik Kocinger

The Honourable
Dr. György Kiss Sámsondi
Plenipotentiary of the Government
of the Republic of Hungary
authorised in the area of the construction
and operation of the Gabčíkovo-Nagymaros
Hydroelectric Plant System.
Budapest

Annex 45

LETTER FROM MR GYÖRGY K SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, TO MR
DOMINIK KOCINGER, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY, 15 FEBRUARY 1991

**Office of the Prime Minister
Danube Barrage Plenipotentiary
DV-KBT-270/1990**

Dominik Kocinger
Ministerstvo vodného a
lesného hospodárstva SR
84218 Bratislava
Lovomeskeha 2

Dear Plenipotentiary!

Please allow me, in keeping with that which we discussed at our meeting in Bratislava 9 January 1991, to send you a summary of those principles which may serve as a basis for the international treaty which we proposed.

I was grateful to have received your letter today, I will reply to your initiatives within a matter of days.

Budapest 15 February 1991

Respectfully,

Dr. Gyorgy Sámsondi Kiss

Appended: 2 pages.

The Hungarian Republic and the Czech and Slovak Republic, reaching that the construction and operation of the Gabčíkovo-Nagymaros Barrage System would initiate irreversible ecological process which would result in grave environmental risks on the territories of both nations, would endanger the region's drinking water supply, the quantity of river water, fishing conducted on the Danube and the living world, forestry and agriculture of the affected areas,

Taking into consideration the fact that the continuing of suspension of construction work would require serious financial sacrifices on both parts,

have decided to not construct that Gabčíkovo-Nagymaros Barrage System and that they will conclude a treaty to this effect and regarding the settlement of the results of investment work done to date.

1. The Contracting Parties shall, on the basis of common agreement, terminate the Treaty concluded in Budapest on 16 September 1977 between the Hungarian People's Republic and the Czechoslovak Socialist Republic regarding the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System and amended by the Memorandum dated 6 February 1977, as well as all other agreements which the Contracting Parties agree that all such agreements as may have been concluded by the various bodies of the Contracting Parties for the same purposes will also lose their validity contemporaneously.
2. The Contracting Parties declare that they continue to consider valid the boundary lines established by the Peace Treaty signed by them on 10 February 1947.
3. The Contracting Parties will begin, without delay, to assess any investment work that may have been completed as per the Treaty of 1977. For this purpose, they will establish joint working groups which would make their reports as to the results of said assessments by 1991 to the Governments of the Contracting Parties.

4. The Contracting Parties shall, on the basis of said reports, determine any losses which are the results of the work which has become redundant. During the course of the determination of losses, only those expenses may be counted which,
- are attributable exclusively to the construction of the Barrage System, regardless of the nationality of the companies undertaking the related work,
 - cannot be used for other purposes,
 - were completed prior to the point in time when one Contracting Party first brought into question the advisability of the construction of the entire Barrage System.

Lost profits do not constitute damages.

5. Losses shall be borne by the Contracting Parties in equal proportions. The Contracting Party whose losses exceed one half of the total amount may demand reimbursement of the *difference*.
6. The Contracting Parties shall, in a separate agreement, settle the question of what is to be done with those projects already completed, of how to resolve the problems of navigation and flood protection and of how to execute the physical/environmental reconstruction of the region, attempting to attract process international resources.

Annex 46

LETTER FROM MR MIKLÓS KIRÁLY, HEAD OF THE SECRETARIAT OF THE HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. IVAN LEXA, HEAD OF THE SECRETARIAT OF THE PRESIDENT OF THE SLOVAK REPUBLIC, 25 MARCH 1991

Dr. Ferenc Mádl
Minister Without Portfolio

To Mr. Ivan Lexa
Head of the Secretariat of the President
of the Government of the Slovak Republic

Fax: 42 7 315484

Dear Head of the Secretariat!

I was surprised to hear of the official declaration made by Mr. Abaffy Dusan during the meeting of the Hungarian-Czech and Slovak Boundary Waters Commission's Danube sub-Committee meeting in Győr in March 1991, according to which the Slovak Government has ordered that the so-called "C" Variant (technical provisional solution) implementation work begin on 2 April 1991.

I am sure that you, too, know how sensitively this decision may affect our bilateral negotiations in the near future, therefore I ask that you inform us of the position of the Slovak Government.

I thank you in advance for your reply.

Greetings,

Dr. Miklós Király
Head of the Secretariat

Budapest, 25 March 1991

Annex 47

LETTER FROM MR. DOMINIK KOCINGER, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY, TO MR. GYÖRGY K. SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, 26 MARCH 1991

Bratislava 26 March 1991
No. 63-SV/91

Mr. Dominik Kocinger
Government Plenipotentiary of the Government
of the Czech and Slovak Federal Republic and
of the Government of the Slovak Republic for
the construction and operation of the Gabčíkovo-
Nagymaros Barrage System

Dear Mr. Government Plenipotentiary!

I acknowledge the existence of some open questions remaining which we have to solve at a governmental Plenipotentiary level and which require a more in depth study of the problem. This concerns the answer which you gave to my proposal of 15 February 1991: establishing a joint working group which would define at an expert level the problems of the completion and operation of the Gabčíkovo-Nagymaros Barrage System.

In my standpoint on the basis of your suggestion I arrived at the draft of the basic principles of the new convention which I wrote on 15 February 1991.

In spite of this fact I think it is necessary to solve in parallel those operative problems of the construction which are the consequences of the suspension of construction on the Hungarian side and those which have still not been settled by governmental delegations in the course of negotiations. It concerns the areas under ongoing construction in the territory of CSFR and about the hand-over and receipt of construction works already commenced which need to be completed by the Hungarian Party on the basis of the Interstate Treaty. I consider it necessary to negotiate the damming of the Danube river-bed in Dunakiliti in the territory of the CSFR and the substitution of natural earth by temporary gravel and concrete blocks which has already been completed, and in addition I feel it necessary to discuss a couple of questions which have been asked by the heads of the Joint Operative Group.

Respected Mr. Government Plenipotentiary, I would suggest the negotiation of the above mentioned question in the first half of April I entrust you to fix the exact time of the negotiations.

With regards:

J. Kocinger

Dr. György Kiss Sámsondi
Budapest
the Government Plenipotentiary of the Republic of Hungary

Annex 48

PROPOSAL BY THE GOVERNMENT OF THE REPUBLIC OF HUNGARY FOR THE SUSPENSION OF WORK ON THE
GABCIKOVO-NAGYMAROS BARRAGE SYSTEM ON BASIS OF A JOINT AGREEMENT, BUDAPEST,
22 APRIL 1991

The Republic of Hungary and the Czech and Slovak Republic, in consideration of the questions raised regarding the Gabčíkovo-Nagymaros Barrage System, awaiting clarification and requiring further study, agreed on the following.

1. The State Parties will suspend work still in progress commenced on the basis of the Treaty Concluded in Budapest on 16 September 1977 between the People's Republic of Hungary and the Czechoslovak Socialist Republic concerning the construction and operation of the Gabčíkovo-Nagymaros Barrage System amended by the Minutes dated 6 February 1989. The suspension will be in effect until 30 September 1993. At the same time, the State Parties will, during the aforementioned period, refrain from undertaking any unilateral measures in the Danube region which would affect the physical or legal status of the river in any way.

2. All additional expenses and losses will be incurred separately by both parties

3. During the period of suspension the State Parties will independently and in accordance with the research programs of their scientific academies perform expert examinations for the purpose of preparing treaties regarding the termination of the Treaty of 1977.

The examinations will be performed especially in the following areas. . .

- protection of the quantity and quality of the drinking water supply,
- hygienic virology and bacteriology, the microbial processes of the water's material traffic,
- geology (hydrogeology, tectonics, seismology),
- the composition of life forms along the common section of the Danube, as well as the biological and ecological status and self-cleaning capabilities of the same,
- the composition of life forms along the Szigetköz and Zitny Ostrov tributary branch systems and hydrological status and material traffic of them
- groundwater conditions and utilisation of soil
- other examinations which are determined to be necessary by either of the State Parties.

The State Parties may involve foreign experts in the examinations in so far as it proves to be necessary.

4. The Czech and Slovak Federal Republic takes notice that the Council of Ministers of the Hungarian People's Republic suspended work at Nagymaros on 13 May 1989 which the Government of the Republic of Hungary does not wish to continue and simultaneously began the reinstatement of the region. The Republic of Hungary is prepared to begin negotiations with the Czech and Slovak Federal Republic to discuss the legal consequences of the Government decision referred to in this paragraph, subsequent to the conclusion of studies undertaken regarding the whole Barrage System.

Budapest, 22 April 1991.

Annex 49

PROPOSAL BY THE GOVERNMENT OF THE REPUBLIC OF HUNGARY REGARDING THE TERMINATION OF THE TREATY CONCLUDED IN 1977 BETWEEN THE HUNGARIAN PEOPLES REPUBLIC AND THE CZECHOSLOVAK SOCIALIST REPUBLIC REGARDING THE CONSTRUCTION AND OPERATION OF THE GABCIKOVO-NAGYMAROS BARRAGE SYSTEM, BUDAPEST, 22 APRIL 1991

(This is a draft regarding Hungary the Main Points of an Agreement.)

The Republic of Hungary and the Czech and Slovak Federal Republic, with the knowledge that the construction and operation of the Gabčíkovo-Nagymaros Barrage System would cause irreversible ecological repercussions resulting in grave environmental risks on the territories of both countries and endangering the region's drinking water supply, the quality of river water, fishing conducted on the Danube and the living world, forestry and agriculture of the affected areas

have decided not to construct the Gabčíkovo-Nagymaros Barrage System and will conclude a treaty regarding the settlement of the results of investment work done to the present. This will be done keeping in mind that a continuation of the suspension of the construction will require serious financial sacrifices for both sides.

1. The State Parties shall, on the basis of a joint agreement, terminate the Treaty concluded in Budapest on 16 September 1977 between the Hungarian People's Republic and the Czechoslovak Socialist Republic Regarding the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System amended by the Memorandum dated 6 February 1977. In addition to this, as well as all other agreements which the State Parties concluded for the purpose of executing the said Treaty. The State Parties establish that all agreements concluded for the same purpose will also be simultaneously terminated.

2. The State Parties declare that they will continue to consider valid boundary lines established by the Peace Treaty signed on 10 February 1947.

3. The State Parties will begin, without delay, the assessment of any investment work that may have been completed according to the Treaty of 1977. For this purpose they will establish working groups which will prepare their reports as to the results of said assessment by 1991 to the Governments of the State Parties.

4. The State Parties shall, on basis of said reports, determine any losses which are the result of any unnecessary work. In the determination of losses, only those expenses may be counted which,

- are attributable exclusively to the construction of the Barrage System, regardless of the nationality of the companies undertaking the related work;
- cannot be used for other purposes;
- were completed prior to the date when one State Party first brought into question the advisability of the construction of the entire Barrage System.

Lost profits do not constitute damages.

5. Losses shall be borne by the State Parties equally. The State Party whose losses exceed one half of the total amount is entitled to reimbursement of the difference.

6. The State Parties shall, in a separate agreement, settle the questions of what is to be done with those installations already completed, of how to resolve the problems of navigation and flood protection along the common boundary of the river and how to execute the region's physical natural reconstruction attempting to take advantage of international resources.

Budapest, 22 April, 1991

Annex 50

PROPOSAL BY THE GOVERNMENT OF THE REPUBLIC OF HUNGARY FOR THE JOINT RESOLUTION OF ENERGY
QUESTIONS ARISING FROM THE ABANDONMENT OF THE GABCIKOVO-NAGYMAROS BARRAGE SYSTEM,
BUDAPEST, 22 APRIL 1991

Both the Slovak and the Hungarian Parties would lose a certain amount of electricity as a result of abandoning the operation of the barrage system. Allowing for the different construction alternatives this would be 1000 kilowatts of electricity a year for each side. This amount is equivalent to 3 percent of the utilisation of electricity in Slovakia.

We note that in addition to the above mentioned the Hungarian Party is responsible for delivering 1200 kilowatts of electricity to Austria as payment for the Austrian loan made in connection with the construction.

For the reasons described above, Hungarian energy experts have been examining for several years the alternative possibilities to compensate for this loss of energy. Of the variants examined, the most cost efficient seems to be the supplementing of the various gas heating plants used for the purposes of heating with a so-called front-end gas turbine, which would give us the opportunity to produce electrical energy on the same scale as the losses described above, while the gas utilisation of the nation would increase by only an insignificant amount. In the interests of realising the above program, the Hungarian Party shall shortly initiate operation of the first such gas turbine unit next to the Szazhalombattai Oil Refinery.

As far as Hungary is aware, similar opportunities exist on the Slovak side as well. For example, the supplementation of the Slovnaft Company's thermal energy needs could be undertaken by using a gas turbine connected in a similar fashion. Likewise, the central heating systems of Bratislava or Bratislava-Ligetfalu, supplemented by such equipment, could replace the lost electrical energy production in such a manner as to make the amount of extra gas needed seem trivially small taking into consideration the double amount of gas which would be needed for heating purposes..

The Hungarian Party recommends that the Parties jointly examine, in co-operation with the Slovak energy planning institution, and on the basis of experience previously attained by the Hungarian Party, the technical opportunities which would enable the replacement of lost production in the event that the Barrage System is abandoned. The production of energy even greater than that previously planned by supplementation with the aforementioned dual-use gas turbine system, would greatly improve Slovak's energy and environmental situation.

Budapest, 22 April, 1991.

Annex 51

*NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL
REPUBLIC TO THE EMBASSY OF THE REPUBLIC OF HUNGARY, 18 JUNE 1991*

NOTE VERBALE

Ikt. no.: 100.119/91.

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to the Embassy of the Republic of Hungary and, at the request of the Government of the Czech and Slovak Federal Republic, referring to the results of the negotiations held on 22 April 1991 in Budapest, has the honour to invite the Delegation of the Government of the Republic of Hungary to the second round of negotiations regarding the Gabčíkovo-Nagymaros Barrage System.

The Delegation of the Government of the Czech and Slovak Federal Republic suggests that the following facts be the starting points of these negotiations:

- The construction of the Gabčíkovo-Nagymaros Barrage System occurred on the basis of the Treaty and related documents concluded between the Czechoslovak Socialist Republic and the Hungarian People's Republic on 16 September 1977 regarding the construction and operation of the Gabčíkovo-Nagymaros Barrage System,
- the validity of the aforementioned Treaty and the related treaty documents has not been questioned by either the Czech and Slovak Federal Republic or the Republic of Hungary and both State Parties consider the same to remain valid,
- the Czechoslovak party considers the actions of the Hungarian party since 13 May 1989 to be in contravention of the Treaty signed in 1977 and the related treaty documents and to the international law of treaties,
- as a result of the actions of the Hungarian party, as described above, the Czech and Slovak Federal Republic has suffered national economic, ecological, moral and social damage ,
- the Government of the Czech and Slovak Federal Republic, in the interests of a resolution of the problems of the Hungarian party and the damage suffered by the Czech and Slovak Republic, is prepared to debate any definite suggestions submitted by the Hungarian party which may lead to a resolution of the situation.

The Government of the Czech and Slovak Republic would welcome the commencement of these negotiations at any time between 26 June and 4 July 1991.

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic would like to avail itself of this opportunity to renew its highest regards to the Embassy of the Republic of Hungary the assurances of its highest consideration.

Prague, 18 June 1991.

To the Embassy of the Republic of Hungary
Prague

Annex 52

POSITION OF THE CZECHOSLOVAK GOVERNMENTAL DELEGATION REGARDING THE POSITION OF THE
HUNGARIAN REPUBLIC AND THE HUNGARIAN ACADEMY OF SCIENCES ON THE
ECOLOGICAL/ENVIRONMENTAL EFFECTS OF THE GABCIKOVO BARRAGE, BRATISLAVA, 11 JULY 1991

Using the results to date of studies conducted in the field of environmental protection and taking into consideration the more broadly defined ecological correlations, the Czecho-Slovak party sees two problem areas pertaining to the commencement of operations at the Gabčíkovo Power Plant to be of primary importance:

- the question of the development of the effected Zitny Ostrov under ground water supply, especially from a water quality viewpoint,
- the field of environmental protection, the disturbance of the operative ecosystem's operational dynamics and the endangerment of the geo-foundation of the forests of the flood plains, and the condition of the dry land and water flora and fauna which is tied to this area.

It can be determined that certain negative effects can be found in the under ground water supply on the given territory as a result of certain hydrological conditions present on the Danube, independent of the Gabčíkovo hydroelectric plant or the Hrusosvo reservoir. We are speaking of the consequences of the area's hydrological conditions.

With consideration for the fact that the Gabčíkovo power plant is, for all practical purposes, standing just before completion, the option to liquidate the power plant cannot be considered a proper and the sole ecological solution. The Czecho-Slovak party is of the opinion that a solution which would reduce the ecological risk to future water sources and utilisation thereof and negative effects on the environments to acceptable levels is possible.

The material presented by the Hungarian party regarding the construction of the Gabčíkovo hydroelectric plant would undeniably lead to its position of rejection, which it supported by listing ecological risks and consequences. The position, however, does not make clear the extent of scientific grounds and support for the listed effects.

Point 4 of the introduction to the material listed the ecological risks. Point 1 is not quite exact. The dynamic balance of the Danube has been influenced by man since ancient times (flood defence measures, excavation, gravel mining, dredging, etc.) Such artificial interference in the Danube's bed created changes, which were reflected in changes to the hydrological system, as well. (The first great interference took place during the reign of Queen Maria, wife of King Bela IV, between 1235-1270.)

Points 2, 3, and 4 do not contain ecological risks. They only signal problems which relate to the signalling of expected ecological effects on the environment and create a sense of distrust in the prognoses. We must mention, in relation to Point 4, that the Czecho-Slovak party places great emphasis on the time factor, and is, thus, always and continuously at work on the time table for work related to the tasks to be undertaken as a result of technical interference in the Danube's flood plains.

The accumulation of water and the sedimentation process in the reservoir, as is expressed in the introduction to Chapter A, can be described with the assistance of a hydrodynamic balance, as well. With this solution, the shape of the bed can be changed, as well, so that the speed and sedimentation of floatage and sluicing would be optimised.

The branch system of the river is presently isolated from the main flow by dams and thresholds. In the past, the forests of the flood plains would have been awash in the event of only 1300 m³/sec flow, while today this would only occur at flow of 2500 m³/sec. The extent of eutrophication is dependent on a

number of factors (the amount of organic materials, but primarily on flow and sedimentation) and can be reduced by technical measures.

To Point 2 of Chapter A:

The determination is not applicable to the present situation, since the oxygen balance on the Danube's Czecho-Slovak section is so favourable that we cannot speak of anaerobic processes in the sluice along the bottom of the river. It has been proven that such processes do not begin even in the event of even the slowest flow, such as in the region surrounding Komárom or Budapest.

To Point 3 of Chapter A.:

The upper layer of the presumed reservoir, which the Hungarian party asserts to contain dangerous materials, has been removed.

To Point 4 of Chapter A:

The question of the filtration layer in the event of sedimentation along the bottom of the bed is only applicable if such sedimentation occurs. With a proper technical solution, the amount of such sedimentation can be minimised.

To Point 5. of Chapter A:

On the territory where internal flooding is influenced by the underground wall layer, the depth of sub-groundwater can be optimised with the assistance of a groundwater removal system. The depth of the tunnel pipe would resolve the question of the ground's secondary nitrification, as well. Czecho-Slovak experts have undertaken mathematical experiments as to the above. The nitrification of the ground territory east of the mouth of the Vague is only partially related to the construction of the Gabčíkovo-Nagymaros Barrage System. As the underground walls which are considered to be one of the reasons for the nitrification are already in place, this problem must be solved even in the event that the Gabčíkovo power plant is not constructed.

To Point 6 of Chapter A.:

According to the knowledge of Czecho-Slovak experts, the quality of the sub-water is unsuitable for the purposes of drawing drinking water from the upper water layer of Zitny Ostrov's water supply. The degradation of water quality can be, at present, measured to a depth of 50 meters, alongside the fact that this was not caused by the Gabčíkovo Hydroelectric Plant. As far as sluice dredging is concerned, this can be prevented by optimising the riverbed and canal's shape.

To Point 7 of Chapter A:

The utilisation of epibion probably took place with the agreement of Hungarian experts. Its effects are undeniable. It is absolutely unprovable, however, that the polycycle and the concentration of aromatic hydrocarbons will be as damaging as the Hungarian party indicates.

The Czecho-Slovak party is familiar with the negative effects resulting from the reduction in flow in the old Danube branch, as are indicated in the Introduction and the Points of Chapter B. These effects can be avoided by hydro-technical measures.

We must note, in relation to Point 3, that the level of the sub-water is deep within the gravel layer. No capillary filling occurs, thus agriculture must resort to irrigation. Significant supplementary irrigation and selection of agricultural and agrotechnical procedures, which have no relationship to the construction of the hydroelectric plant, all greatly influence agricultural production in this area.

The proportion of hydrological change, and the consequences as indicated in Chapter C., are all considered to be reductive rectifying measures. Czecho-Slovak state organs insist that reductive measures be in minimised effect on the effected area's biodiversity. Also taken into calculation was the watching of the hydroelectric plant's expected effect with the assistance of bio monitoring. On basis of

regular assessment of the results obtained by monitoring, acceptance of effective measures will take place on the part of Czecho-Slovak organs, to the extent that the developed situation demands.

To Chapter D:

An extraordinarily detailed geological survey was conducted prior to the commencement of construction, as well as during the course thereof, of the area effected by the construction of the power plant. The results thereof were exchanged, consulted and inspected by Czecho-Slovak and Hungarian experts.

The Czecho-Slovak party conducted a detailed examination of seismicity which has been assessed. The results of such research is well-known to the Hungarian party. The President of the Czechoslovak Academy of Sciences determined in his letter of December 1990, that there was no difference of opinion at the joint discussions held by the Czechoslovak and Hungarian Academies of Sciences in Budapest on the questions of seismicity. For this reason, there were no further, supplementary exchanges at later meetings between scientific experts which would have required expert study. therefore, there is no reason for the Czecho-Slovak party to amend its position to date as to the question of seismicity.

Bratislava, July 11, 1991.

JUDr. Jan Carnogursky
Leader of the Czecho-Slovak
Governmental Delegation
od of resolution

JOINT PRESS RELEASE OF MR FERENC MÁDL, HEAD OF THE HUNGARIAN GOVERNMENTAL DELEGATION,
AND MR JAN CARNOGURSKY, HEAD OF THE CZECHOSLOVAK GOVERNMENTAL DELEGATION, 15 JULY
1991

PRESS RELEASE

On 14 and 15 July 1991 a negotiation was held in Bratislava between the government delegations of the CSFR and the Hungarian Republic regarding the questions of the Gabčíkovo Nagymaros Barrage System (GNBS). The government delegation of the CSFR was led by Jan Carnogursky, President of the Government of the Slovak Republic and the government delegation of the Government of the Hungarian Republic was led by Minister Ferenc Madl.

The Czechoslovak delegation expressed its readiness to resolve the situation on the basis of a multilateral judgement of the different alternatives proposed by both parties.

The Czechoslovak delegation recommended that a joint committee be established consisting of plenipotentiaries of the CSFR, Republic of Hungary and the EC which would examine the variations submitted by 31 July 1991. The committee would judge the variations in depth placing the emphasis on the resolution of the ecological problems. The committee would submit the results of the examinations to the heads of the government delegations. The government delegations of the CSFR and the Republic of Hungary would decide on the further procedure. The Czechoslovak party emphasised that it could only accept a variation which enables the putting into operation of the Gabčíkovo Barrage.

The Czechoslovak party emphasised that the committee's work does not affect the Czechoslovak party's claim for compensation which arose as a result of the unilateral action of the Hungarian party. In light of the increasing damage the Czechoslovak party cannot accept the other party's proposal regarding the suspension of work on the barrage.

The Hungarian party, in accordance with its mandate, urges the abandonment of the barrage system, the termination of the Interstate Treaty of 1977 on the basis of mutual agreement and made a recommendation for co-operation with regard to the resolution of the ecological, navigational, flood prevention and energy problems.

The Hungarian party made a proposition for the establishment of a joint professional-scientific committee for the joint exploration of ecological risks binding the work of the committee to the simultaneous suspension of work on the Czechoslovak side.

The delegations agreed to notify their Governments and Parliaments and by 15 September via diplomacy inform each other of their position with regard to the establishment of a committee. New negotiations between the government delegations may be held subsequent to this.

Bratislava, 15 July 1991

Ferenc Madl, the head of the Hungarian delegation.

Jan Carnogursky, the head of the Czech and Slovak delegation

Annex 54

LETTER FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, 24 JULY 1991

Dr. Ferenc Mádl
Minister without Portfolio

Jan Carnogursky
Prime Minister of the Slovak Republic

Dear Mr. Prime Minister!

As the head of the Hungarian governmental delegation negotiating the matter of the Gabčíkovo Nagymaros Barrage System I would like to inform you of the following.

Hungarian public opinion and the Hungarian Government anxiously and attentively follows the press reports of the unilateral steps of the Government of the Slovak Republic in connection with the barrage system.

The preparatory works for diverting the water of the Danube near the Dunakiliti dam through unilaterally are also alarming. These steps are contrary to the 1977 Treaty and to the good relationship between our nations. Furthermore, these steps are also contrary to our agreement in Bratislava on 22 July 1991 the basis of which is that you inform us about your subsequent deliberations before 31 July 1991 to which we would reply before 15 September 1991.

You would inform us about your position on the suggestions submitted by us in Bratislava also prior to the 15 September. As is known we formulated yours and our suggestions in a common press release. In this document we expressed our agreement that we will continue our bilateral negotiations after the 15th September, when the answers will have already been exchanged.

We invariably hope that both parties respect our agreement. On the basis of all this we would have deep scruples on all unilateral steps which would affect the legal status of the Danube as an international boundary water. We would thank you very much if you would ease our anxiety with your answer.

Budapest, 24 July 1991

With deep respect and
sincere regards

Annex 55

LETTER FROM MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, TO MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, 30 JULY 1991

Prime Minister of the Slovak Republic

Bratislava 30 July 1991

Dear Minister!

As stated once before in the joint statement of the negotiations held on 15 July 1991 in Bratislava between the government delegations of the Republic of Hungary and the Czech and Slovak Federal Republic regarding the building of the Gabčíkovo-Nagymaros Barrage, the Czecho-Slovak delegation expressed its consent for the established mixed committee composed of representatives of the Czech and Slovak Federal Republic, the Republic of Hungary and the European Community to multilaterally examine all the possible variations submitted by the parties by 31 July 1991.

I would like to announce, on the basis of an authorisation from the Government of the Czech and Slovak Federal Republic, that the Czecho-Slovak party requests that the mixed committee examine the question of the Gabčíkovo-Nagymaros Barrage System in a detailed manner for which a technological solution has been found on the basis of the joint agreement plan. In the course of the comprehensive study special attention will be accorded to the resolution of ecological problems.

Dear Minister, I hope we will be successful in jointly resolving the question of the Gabčíkovo-Nagymaros Barrage System.

Sincerely

Jan Carnogursky

Dr. Ferenc Mádl
Minister of the Government of the Republic of Hungary
Budapest

Annex 56

LETTER FROM MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, TO MR. JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 30 JULY 1991

**The Prime Minister
of the Slovak Republic**

Bratislava, July 30, 1991

Esteemed Mr. Prime Minister,

Our nations are in a period of transition from a totalitarian system to a democratic system. Hungary and Czechoslovakia are renewing their international relations on a fresh basis. Our efforts are focused on the preservation and development of good relations, especially with our neighbour nations. For this reason, I am all the more hurt by the fact that we cannot agree on certain questions. One such point of dissension in the common relationship between Czechoslovakia and Hungary is the problem of the Gabčíkovo hydroelectric plant.

Permit me to inform you, at this time, of the decision of the Slovak Government and of the Czech and Slovak Federal Government to continue work on the Gabčíkovo power plant, as a provisional solution, which is aimed at the commencement of operations on the territory of the Czech and Slovak Federal Republic.

Both Governments arrived at this decision on the basis of serious consideration, convinced that the permanent suspension of construction of the hydroelectric plant is the least acceptable solution, even from an ecological point of view.

From the beginning of construction, our nation has given great attention to the examination and study of the ecological risks, as has the Hungarian party. We wish to continue this activity, and will inform the Hungarian party of the results.

Dear Mr. Prime Minister,

I admit that the decision of our Governments causes a certain amount of dejection in Hungary. I think, however, that the issue of the Gabčíkovo power plant must be examined as a particular partial problem, our nations having differing opinions as to its resolution, but which, however, must not be allowed to seriously disturb Slovak-Hungarian relations.

Escalation of tensions would not be in the interest of either nations. I trust that tensions on one issue will not disturb our friendly relationship. I assure you that the interests of the Slovak Republic are towards the best possible co-operation with the Hungarian Republic.

Esteemed Mr. Prime Minister, I look back fondly upon our meetings in the past, and I sincerely hope that the difference of opinions surrounding Gabčíkovo will not disturb our presently good, personal relationship.

Respectfully,

Jan Carnogursky.

His Excellency
József Antall
Prime Minister
of the Hungarian Republic
Budapest.

Annex 57

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
EMBASSY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 30 JULY 1991

NOTE VERBALE

420/1991

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czech and Slovak Federal Republic and has the honour to request that the Embassy inform the Government of the Czech and Slovak Federal Republic of the following position of the Government of the Republic of Hungary.

It continues to be the intention of the Government of the Republic of Hungary to continue negotiations between the States regarding the fate of the Gabčíkovo-Nagymaros Barrage System and continues to prepare for the next phase of negotiations, scheduled for September. The question of whether the negotiations will achieve any results or not is fundamentally dependent on whether or not the atmosphere surrounding preparations and the negotiations themselves will be constructive, which demands, as a prerequisite, that unilateral actions not be taken during the course of the dialogues.

It is with great sorrow that the Government of the Republic of Hungary determines that on 27 July, 1991, the filling of the Gabčíkovo-Nagymaros Barrage's head-race canal began on the Czech and Slovak part by the pumping of water from the Danube, a common boundary river.

The Plenipotentiary of the Government of the Republic of Hungary did not accede to the Czech and Slovak actions announced at the meeting of Governmental Plenipotentiaries held on 10 July 1991 to discuss the questions regarding the Gabčíkovo-Nagymaros Barrage System.

The Plenipotentiary of the Government of the Republic of Hungary expressed his concerns regarding the preparations for unilateral steps to be taken towards relocating the waters of the Danube in his letter to Mr. Jan Carnogursky, Plenipotentiary of the Government of the Czech and Slovak Federal Republic, dated 24 July 1991.

Mr. Jozef Antall, Prime Minister of the Republic of Hungary, in his negotiations held in Dubrovnik with Mr. Marian Calfa, President of the Czech and Slovak Federal Republic on 27 July 1991 also emphasised that the necessity of avoiding unilateral actions, and they agreed that the two Governments would request their Parliaments that representatives thereof continue discussions regarding this question in either a committee or other form.

The Government of the Republic of Hungary, reinforcing its counter-opinion, as expressed above, expresses its protest at the unilateral actions undertaken by the Government of the Czech and Slovak Federal Republic, which is not in harmony with the joint contractual plan on the execution of the 1977 inter-state Treaty concluded on 15 July 1991 by our Governmental Plenipotentiaries in Bratislava.

The Government of the Republic of Hungary strongly requests the Government of the Czech and Slovak Federal Republic that the work underway on the Gabčíkovo-Nagymaros Barrage System be halted and that further unilateral steps, which are in conflict with the interests of both States, be avoided.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Czech and Slovak Federal Republic the assurances of its highest consideration

Budapest, 30 July 1991

Embassy of the
Czech and Slovak Federal Republic
Budapest

Annex 58

LETTER FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, 9 AUGUST 1991

Dr. Ferenc Mádl
Minister Without Portfolio

Mr. Jan Carnogursky
Chairman of the Delegation of
The Government of the Czech and Slovak Federal Republic
President of the Government of the Slovak Republic

Esteemed Mr. President!

I would hereby like to acknowledge the receipt of your letter dated 30 July 30, 1991, in which you inform Mr. József Antall, Prime Minister of the Hungarian Republic of "the decision of the Slovak Republic and of the Government of the Czech and Slovak Federal Republic to continue work on the Gabčíkovo Barrage System on the territory of the CSFR with work being aimed at the commencement of operations as a temporary solution."

Hungary considers the decision very regrettable and unacceptable since our firm aim is to continue the negotiations; this could be undermined by any unilateral step. I am convinced that we cannot find a jointly acceptable solution by using coercive means. In the interests of achieving results at our next meeting, scheduled for September, we have defined a specific concept, which is included in the memorandum of the Foreign Ministry of the Hungarian Republic, dated 30 July 1991. In the said memorandum, we refer to the agreement reached by Mr. József Antall and Mr. Marian Calfa in Dubrovnik that the Governments of the two nations shall request their Parliaments that their members of Parliament continue discussions on the question in committee or in another manner.

I would like to take this opportunity to reinforce the commitment of the Government of the Hungarian Republic to continue negotiations and dialogue with the Government of the Czech and Slovak Federal Republic regarding the future of the Gabčíkovo -Nagymaros Barrage System. I trust that through patient negotiation, we will be able to arrive at a joint solution which will be acceptable to both Parties and which will be in harmony with the norms of international law. However I do protest any unilateral step that would be in contradiction with the interests of our nations and international law. I consider it very important that I receive information as early as possible on the details of the provisional solution.

I sincerely hope that this unresolved, inherited question will not have a negative effect upon the future relationship between the Hungarian Government, the Federal Government and the Slovak Government or upon the development of ties between our Republics. I can assure you that we are prepared to engage in the development of these relationships on many levels.

Budapest, 9 August 1991.

Respectfully,

(Signature of Ferenc Mádl)

Annex 59

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. MARIAN CALFA,
CZECHOSLOVAK PRIME MINISTER, 12 AUGUST 1991

The Prime Minister of the Hungarian Republic

Budapest 12 August 1991

Mr. Marian Calfa,
The Prime Minister of the Czech and Slovak Federal Republic

Dear Mr. Prime Minister!

Mr. Jan Carnogursky, the Chairman of the Czech and Slovak Federal Republic's delegation at the Interstate Negotiations about the Gabčíkovo-Nagymaros Barrage System and the President of the Slovak Federal Republic, in a letter dated 30 July 1991, informed me of the decision of the Slovak Republic and the Government of the Czech and Slovak Federal Republic to continue provisional work on the Gabčíkovo Barrage on the territory of CSFR with the aim of putting it into operation.

The agreement arrived at during the course of our discussions in Dubrovnik on 27 July 1991, the notification of the Federal Government's session on 25 July and the agreement concluded during our negotiation serve the purpose of promoting negotiations between the Parliament Committees.

On this occasion, I would, again, like to emphasise that the Interstate Treaty of 1977 on the Gabčíkovo Nagymaros Barrage was signed by the Governments of the Hungarian and the Czech and Slovak Federal Republic. In light of this, the Hungarian Government will regard the Federal Government as its future negotiating partner and will handle the question of the Barrage as a regrettably inherited interstate issue awaiting resolution by the Hungarian Republic and the Czech and Slovak Federal Republic.

Bearing this in mind, I would like to endeavour to promote the success of the interstate negotiations on the basis of our discussions in Dubrovnik with the conviction that as the result of patient dialogue, a joint agreement will be reached on the Barrage issue.

With respect,

József Antall

Annex 60

LETTER FROM MR. JOZEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. JAN CARNOGURSKY, SLOVAK
PRIME MINISTER, 14 AUGUST 1991

MDF Hungarian Democratic Forum

Budapest, 14 August 1991

Mr. Jan Carnogursky,
President
Christian Democratic Movement of Slovakia
Bratislava

Dear Mr. President!

The democratic changes which have taken place in our region have created favourable conditions for the states and people of the region to put their relations on a new foundations, in harmony with the standards of the developed world.

This is especially important in the case of nations which are direct neighbours, where greater care must be taken over as to the nursing and development of good-neighbour relations. We are compelled to this by one of the central elements of our shared ideals, Christian thought.

I am aware that a return to the path of democratic development does not, in and of itself, mean an end to all problems or the automatic validation of a new system of principles over questions of disagreement. For my own part, for this reason, I pay special attention not only to existing tensions, but to the methods used to ease and resolve them.

It is in this spirit that I am endeavouring to resolve the Gabcikovo-Nagymaros Barrage issue, which is making our bilateral relations so much more difficult. It is my opinion that my agreement with Prime Minister Marian Calfa, concluded in Dubrovnik, according to which the Governments of the two nations their respective Parliaments to have their Representatives conduct negotiations in a Committee or in another format. I request that, to assist in this, you accept the reply made by Mr. Ferenc Madl, leader of the Hungarian Governmental delegation to your letter dated July 20.

I am sure that you are governed by similar principles and good intentions in your national political and state activities.

Please allow me, Mr. President, to express our sincere sorrow at the statements made by Mr. Jan Petrik during a Christian Democratic Movement press conference regarding Slovakia's coat of arms, as well as for comments made during this same press conference, in which he said, "when Hungary has a wiser Government, she will beg for the completion of the Gabcikovo-Nagymaros Barrage System." We feel that these, and all similar, remarks do our relations no good.

I sincerely trust that we will be successful, through our joint efforts, in finding acceptable solutions to all of our problems, which form such a pressing burden on our peoples and our relations.

I hope that your family weekend was pleasant.

Budapest, 14 August 1991

Respectfully

József Antall

Mr. Jan Carnogursky,
President
Christian Democratic Movement of Slovakia

Annex 61

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL
REPUBLIC TO THE EMBASSY OF THE REPUBLIC OF HUNGARY, 27 AUGUST 1991

NOTE VERBALE

U. i. No. 106.427/91-MPO

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to the Embassy of the Republic of Hungary and with reference to the *Note Verbale* dated 30 July 1991 and numbered 420/1991, the Ministry of Foreign Affairs has the honour to convey the following position to the Ministry of Foreign Affairs of the Republic of Hungary:

The Government of the Czech and Slovak Federal Republic appreciates the Hungarian Government's efforts to organise further negotiations as to the fate of the Gabčíkovo Nagymaros Barrage System, but the Governmental Delegations were unable to arrive at a constructive solution at two meetings, on 22 April 1991 and 15 July 1991, where the Hungarian Delegation had only limited authority. As a result, the Government of the Czech and Slovak Federal Republic approved preparations for investment and transport in the territory of the Czech and Slovak Federal Republic for the purposes of beginning temporary operations of the Gabčíkovo hydroelectric power plant to minimise the damages caused by the unilateral actions taken by the Hungarian party.

In the opinion of the Government of the Czech and Slovak Federal Republic, such a decision is not an obstacle to the continuation of further negotiations. In the event of the Hungarian party presenting specific technical solutions on the basis of the valid Treaty of 1977 and its related treaty documents regarding the construction and operation of the Gabčíkovo Hydroelectric Power Plant and Barrage System, the Czechoslovak party is prepared to execute the agreed upon method of resolution.

The filling of the power canal is not considered by the Czechoslovak party to be in contravention of international law as it simply fulfils technical measures for the preservation of the power canal's intended purpose, the exact fulfilment of which provided for in the Treaty plan had been prevented by the Hungarian party's unilateral suspension of work. The filling of the power industrial water canal should have begun, according to the work timetable, in December 1989. As a result of the delay of this step, the construction of the power canal is being damaged. Therefore, its filling prevents further damage. The Hungarian party was informed of the implementation of these measures at the 10 July 1991 meeting of Plenipotentiaries.

It is with regret that the Ministry of Foreign Affairs of the Federal Republic communicates that the Government of the Czech and Slovak Federal Republic cannot agree with the Republic of Hungary's demands regarding the suspension of construction work on the Gabčíkovo-Nagymaros Barrage System. Continued work towards the commencement of operations of the Gabčíkovo hydroelectric power plant is not in any event in contravention of international law, in the opinion of the Czech and Slovak Federal Republic.

The Government of the Czech and Slovak Federal Republic trusts that the question of the construction of the Gabčíkovo-Nagymaros Barrage System will not disturb our common relationship and that both nations will proceed as per European norms to seek a resolution of the issue.

The Federal Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the Republic of Hungary the assurances of its highest consideration.

Prague, 27 August 1991

Annex 62

LETTER FROM MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, TO MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, 19 SEPTEMBER 1991

Slovak Republic

Bratislava, 19 September 1991

Dear Mr. Minister:

I would like to inform you that, on the basis of the agreement accepted by the Governmental Delegations of the Czech and Slovak Federal Republic and the Slovak Republic during their discussions of 14-15 July 1991 in Bratislava regarding the questions of the Gabčíkovo-Nagymaros Barrage System, the Czech and Slovak Party, in keeping with proposals set forth during the said discussions, proposes that a committee consisting of experts from the Czech and Slovak Federal Republic, the Republic of Hungary and the European Community resolve the problems pertaining to the construction and operation of the Gabčíkovo-Nagymaros Barrage. The said committee would examine all variations of possible solutions in a comprehensive manner. The results of the said examinations would be of an advisory nature and the Governmental Delegations of the CSFR and the Republic of Hungary would have the power to decide over further procedures.

I would once again emphasise, however, that Czechoslovakia will only find acceptable a variant which would make the operation of the Gabčíkovo Barrage possible.

I await your response regarding the establishment of a committee as well as your further proposals regarding the resolution of problems pertaining to the joint construction and operation of the Gabčíkovo-Nagymaros Barrage.

Sincerely:

(signature of Jan Carnogursky)

The Honourable Mr. Ferenc Mádl
Minister of the Government of the Republic of Hungary
Budapest.

Annex 63

LETTER FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, 8 OCTOBER 1991

Dr. Ferenc Mádl
Minister Without Portfolio

To Mr. Jan Carnogursky,
Plenipotentiary of the
Federal Government of the CSFR,
Prime Minister of the Slovak Republic

Dear Mr. Carnogursky!

On the basis of the agreement concluded at the meeting between the Governmental Delegations of the Republic of Hungary and the Czech and Slovak Federal Republic on 15 July 1991, and the proposal included in your letter dated 19 September, I propose that our meeting in Budapest between 28 October and 5 November be convened for the purposes of creating a professional-scientific commission as a new factor in governmental negotiations regarding the Gabčíkovo-Nagymaros Barrage System. This, of course, does not exclude the possibility of discussing other aspects of the issue.

Whereas we would like to discuss the scope of the problems to be placed before the professional-scientific commission, the composition of the commission, and questions relating to the commission's conditions of operation, it might be suggested that a relatively small number of delegates participate in this meeting. I would greatly appreciate it if you would inform me of your opinion as to the above mentioned.

I would like to, emphasise once again, that, on the basis of the Parliament's pertinent resolution, the Government of the Republic of Hungary would like to enter into new Treaty negotiations with the Federal Government of the Czech and Slovak Federal Republic regarding the consequences resulting from the joint termination of the Interstate Treaty of 1977.

I thank you in advance for your reply.

Budapest, 8 October 1991

Respectfully,

Ferenc Mádl

Annex 64

JOINT DECLARATION OF THE COMMITTEES OF ENVIRONMENTAL PROTECTION OF HUNGARY AND
CZECHOSLOVAKIA, BUDAPEST, 11 OCTOBER 1991

Joint Declaration on the discussions

of the Environmental Committees of the Hungarian Republic's Parliament and of the Nations Chamber of the Czechoslovak Federal Republic held on 9-11 October 1991

The Environmental Committees of the Hungarian Republic's Parliament and of the Nations Chamber of the Czechoslovak Federal Republic in the spirit of the discussions of the Visegrád-Three held in Krakow.

I. Mutually exchanged their experiences gained in drafting legal norms on environmental protection and its sub-branches.

1./ It is established that problems and starting points are mutual.

2./ It is agreed that even in the preparatory stage they will mutually exchange draft enactments of legislature, and cooperate during the legislative process in order to have a system of laws in both countries which is harmonised on the basis of European legal standards.

II. Negotiations were held on the Gabčíkovo-Nagymaros Barrage System.

1./ Mutual agreement was reached and hence the parties declare that:

a/ The questions related to the barrage system are primarily of a technical-scientific nature, and so, their evaluation and solution must also be determined on a technical-scientific basis.

b/ The governments of the Hungarian Republic and of the Czechoslovak Federal Republic are now able to continue negotiations to find a mutually acceptable solution for the present situation in the spirit of recent committee discussions.

2./ We hereby propose that our governments should start negotiations without delay, in accordance with the following viewpoints:

a/ These should be an expert committee should be set up in order to evaluate on the basis of a common methodology all realistic scenarios, as determined by the committee. The committee will evaluate-giving priority to ecological aspects -- the economic, energy, social, flood-protection, navigation and international law consequences.

b/ Agreement should be reached on the methodology of research and on those principles and values that will serve as criteria in joint evaluations.

c/ The results of heretofore performed scientific research should be systematised, mutually exchanged and missing ones, substituted.

d/ The quality, safety characteristics and technical suitability of already completed structures should be jointly evaluated.

e/ The scientific institutions on both sides should be involved in the scientific - expert co-operation (only those institutions which are not directly economically dependent on the construction of the barrage).

f/ During future expert discussions participation of experts from international organisations would be possible upon request of both parties.

g/ The implementation of tasks encompassed in sections a/-f/ should be speeded-up, in order to minimise environmental damage and the economic damage on the already completed structures. Also, the final outlook of the hydro-electric power plant should not be predestined by further construction.

3./ The Heads of Environmental Committees are hereby instructed:

a/ To form parliamentary supervisory systems to control governmental bodies connected to the case.

b/ To inform each other every month, about the above mentioned proposals and of their implementation; also on those problems that might hinder the continuation of co-operation.

III. The Parties informed each other on the basic principles of both countries energy - political concepts; the parties discussed the possible environmental impacts of these. They agreed on the continuation of the mutual exchange of information and of discussion.

IV. The Czechoslovak delegation visited the Environment Protection area and Land Development Ministry, where they studied the work and pursued a discussion with the political state secretary. During this discussion they informed each other about:

1./ The state of their countries nature;

2./ The preparations of the Environmental World Conference that should take place in 1992 in Brasilia;

3./ The problems on environmental damage caused and left by the Soviet troops.

V. The committees had discussions with the representatives of Hungarian non-governmental environmental organisations on the environmental problems of the regions near the border. The proposition to governments is to back up by every means the co-operation of frontier regions in that respect.

VI. The Czechoslovak party proposes that the Hungarian side get acquainted with the resolutions of the conference held in Serock near Warsaw named "Central and East Europe's new energy policy". The Czechoslovak side is of the opinion that if the Hungarian Party is interested it should join the closing documents of the conference, if the German and Polish party agreed.

VII. The committees proposal to their respective governments as to the preparations for the upcoming Environmental World conference to be held in Brasilia to co-ordinate their activities and together with other Central European states make preparations for a joint appearance.

VIII The Czechoslovak delegation get acquainted on site with:

1./ The environmental questions of the Danube-bend and meet the Mayor of Visegrád;

2./ The Central and East European Regional Environmental Protection Centre's purpose and activity;

3./ The Czechoslovak delegation which attended the Hungarian Republic Parliament's Environmental Protection Committee's session held on 9 October.

IX. The Czechoslovak delegation appreciates the support expressed by Mr. Szabad György and Mr. Dornbach. the President and Vice-President of the Hungarian Republic's Parliament, for the joint position of the environmental committees of both parliaments, which took place at the reception organised for delegates of the Nations Chamber of the Czechoslovak Federal Republics Parliament.

The Czechoslovak delegation expresses its gratitude to the Environmental Protection Committee of the Hungarian Parliament for the substantial and valuable programme, for the very correct and friendly altitude in discussing complex issues, and for the care shown during the perfectly organised visit.

The Czechoslovak delegation is of the firm opinion that the mutual visit of parliamentary environmental protection committees formed a solid basis for the non-formal, tight and long-lasting co-operation, that would finally lead to the betterment of the environment for both countries. Therefore, it invites the

Hungarian parliamentary environment protection committee's delegation to continue the discussion in Prague, the date of which will be agreed upon by the committee secretaries.

X. The Hungarian party declares, that the success of discussion is also connected to the Czechoslovak parties constructive approach and to its efforts at co-operation. The Czechoslovak parties invitation to Prague for the continuation of discussions is hereby accepted with gratitude.

Budapest, 11 October 1991

Jozef Stank Ivan Ryndo Rott Nándor

Annex 65

LETTER FROM MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, TO MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, 21 OCTOBER 1991

The President of the Government of the Slovak Republic

Bratislava 21 October 1991

Dear Mr. Minister!

Thank you for your letter dated 8 October 1991 in which you propose that we hold the meeting regarding the problem of the Gabčíkovo-Nagymaros Barrage System in Budapest at the end of October or at the beginning of November.

I appreciate your initiative, Mr. Minister, and appreciate the intention of the Hungarian Government to continue negotiating the problem which is a burden to both Parties. The aforementioned readiness to hold meetings regarding the problems is a basic condition for finding a solution.

During the course of negotiations held by the Governmental Delegations of the Republic of Hungary and the Czech and Slovak Federal Republic in July 1991 in Pozsony, it became apparent that the Hungarian delegation was given only a limited mandate and that it was limited by the resolution of the Parliament. It was authorised only to terminate the validity of the interstate treaty regarding the construction and operation of the Gabčíkovo-Nagymaros Barrage System and to put a complete halt to construction work on the Gabčíkovo-Nagymaros Barrage System .

According to the position of the Czecho-Slovak Party, a precondition of successful negotiations is the widening of the mandate of the Hungarian delegation in such a way that the Hungarian delegation may negotiate regarding all the alternatives concerning the completion of the Gabčíkovo-Nagymaros Barrage System .

For us, it is not known, nor is it apparent from your letter, whether the original resolution of the Hungarian Parliament has changed and whether the Hungarian Governmental delegation would be able to conclude negotiations regarding the entire complex of question pertaining to the Gabčíkovo-Nagymaros Barrage System .

It is also an open question, raised during the Bratislava negotiations, as to whether the expert committee should consist of our experts and Hungarian experts or also of European Community experts.

The Hungarian Party has not technically, documented, , any of the variants aimed at resolving the problems of the Gabčíkovo-Nagymaros Barrage System, even after the Pozsony negotiations.,

Dear Mr. Minister, I would be grateful if you could inform me as to whether the Hungarian Governmental Delegation will have a mandate to discuss the entire complex of questions pertaining to the Gabčíkovo-Nagymaros Barrage System at the next meeting. Further, I would like to become familiar with your position as to the make-up of the expert committee debating the problems of the Gabčíkovo-Nagymaros Barrage System .

Both pieces of information are important for the Czechoslovak Delegation in preparing for negotiations with the Hungarian Party.

Dear Mr. Minister, the meeting proposed for the end of October or the beginning of November should only take place upon the clarification of the above problems.

Please allow me, Mr. Minister, to assure you of my regards,

With greetings,

The Honourable
Dr. Ferenc Mádl
Minister of the Republic of Hungary
Budapest

Annex 66

LETTER FROM MR. GYÖRGY K. SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, TO MR. DOMINIK KOCINGER, CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY, 29 OCTOBER 1991

**Prime Minister's Office
Danube Barrage Government
Plenipotentiary Secretariat
1055 Budapest, Kossuth ter 4**

To Mr. Dominik Kocinger
the Plenipotentiary of the
Government of the Czech and Slovak
Federal Republic and of the
Government of the Slovak Republic
regarding the Gabčíkovo-Nagymaros Barrage System
84218 Bratislava
Lovomeskeha 2

Dear Plenipotentiary!

I have determined from the minutes of the meeting of the Joint Operative Group held 23-27 September 1991 that the Czechoslovak Party is undertaking such work as was declared earlier and re-commenced, works regarding which the decision was placed before the inter-governmental negotiations at our meeting of 10 July 1991.

We determined, in the Plenipotentiaries' Meeting's Minutes, General Part, Points 1 and B.2, that the decision regarding the handing over of construction projects undertaken by the Hungarian Party on Czechoslovak territory would be mad by the Governmental Delegations, as this would be a departure from the Joint Contractual Plan. Despite this agreement, the Czechoslovak Party has begun work on completing the connecting dikes and has declared that the Gabčíkovo hydroelectric plant's earth filling work's stoppage was only temporary and, further, that the Party would like to continue work on dredging the power canal following the inspections.

The filling of the power canal with water has brought Hungarian and international protests. Filling, as provided for in the Joint Contractual Plan, is aimed at the commencement of operations. The conditions for commencing operations are lacking today. According to the Joint Contractual Plan, the power canal and the reservoir must be filled simultaneously, thus the water would be allowed to flow in from the reservoir area.

In contrast, the siphoning planned for October takes water from the small bed during the period of lowest water flow during the year (October-November). I therefore hold the continuation of this filling to be a departure from the Joint Contractual Plan.

I ask you, Plenipotentiary, to take immediate steps for the halting of work as listed above and which departs from the Joint Contractual Plan.

During the meeting of the Joint Operative Group, the Czecho-Slovak Party gave information of the completion of such energy and water construction work, among other questions, as would serve to commence the operations of the Gabčíkovo hydroelectric plant. The Hungarian Parliament has set forth in a resolution that investment in the barrage system must cease forthwith. The two Governments have commenced negotiations as to the necessary new, or amended, project. We once again propose that the construction work be suspended prior to the conclusion of an inter-governmental agreement. The Hungarian Party cannot bear any financial or technical responsibility for any work being undertaken despite the above.

Budapest, 29 October 1991

Respectfully,

Dr. György Sámsondi Kiss

Annex 67

LETTER FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, 7 NOVEMBER 1991

Dr. Ferenc Mádl
Minister Without Portfolio

Mr. Jan Carnogursky
Federal Governmental Plenipotentiary,
Prime Minister of the Slovak Republic

Dear Mr. Prime Minister!

I am grateful to have received your letter of 21 October. I would like to determine, looking back upon the directions taken by our negotiations to date, that the mandate of the Hungarian Governmental Delegation was determined by the Resolution of Parliament, in the same way as the Czecho-Slovak Party's room for manoeuvre was clearly defined by the Czecho-Slovak legislative bodies and governmental decisions. I consider the fact that we have come to an agreement as a result of our two rounds of negotiations, that the questions related to the barrage system are primarily questions of a professional/scientific nature and that this shall serve as the basis for a joint judgement and resolution.

I am sure that our Governments will take joint advantages of the historical politics of the past opportunity offered us at this time. Freed from the politics of the past, we can re-evaluate the disputed problem from a professional/scientific viewpoint, namely, the ecological effects, flood protection, navigation, energy, economic, technical/security and other questions of the Barrage System related to the 1977 Interstate Treaty or any other solution. This is what the Environmental Protection Committees of our Parliaments insisted on in their joint declaration accepted in October 1991 in Budapest. In harmony with this document, I consider the task of our next meeting to be the formation, composition, mandate, operational order and conditions of the joint expert committee for the consideration and resolution of the professional/scientific questions.

The Hungarian Government expresses its readiness to place any proposal and professional/scientific problem raised by the Government of the Czech and Slovak Federal Republic before the expert committee.

Among the subjects of our next meeting, the joint invitation of international professional/scientific bodies is also concluded, if we mutually determine that it is necessary for the resolution of any professional/scientific question.

As pertains to the nature of the questions to be discussed, I propose that our next meeting take place with delegations of a more limited composition.

Dear Mr. Prime Minister!

I would greatly appreciate it if you would inform me of your opinion as to the above. I once again invite you and your delegation to the third Intergovernmental Negotiations.

I await your reply as to when we may expect you to visit Budapest from the third of November onwards.

7 November 1991, Budapest

Respectfully,

Dr. Ferenc Mádl

Annex 68

LETTER FROM MR SÁNDOR K KERESZTES, HUNGARIAN MINISTER FOR ENVIRONMENTAL PROTECTION & TERRITORIAL DEVELOPMENT AND MR FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JOSEF VAVROUSEK, CZECHOSLOVAK MINISTER OF ENVIRONMENTAL PROTECTION, 6 DECEMBER 1991

K. Sándor Keresztes
Minister of Environmental Protection and Territorial Development

Budapest, 6 December 1991

Ferenc Mádl
Minister Without portfolio

JOSEF VAVROUSEK
the Minister of Environmental Protection of the
Czech and Slovak Federal Republic

Dear Mr. Minister!

Your open letter, dated 4 December 1991 gives an opportunity to summarise once again our proposals and plans for the joint resolution of the serious problems relating to the Gabčíkovo-Nagymaros Barrage System that we inherited from the past. With our reply, along with that which your letter expressed, we would like to see developments, as soon as possible.

Hungarian public opinion, the Hungarian Parliament and the Hungarian Government started out from the defence of the following fundamental values and interests in judging the problems of the Gabčíkovo-Nagymaros Barrage System :

- the protection of the natural living conditions of people and their communities on both banks of the Danube, in the interest of the present and future generations, in Slovakia and Hungary;
- the preservation and strengthening of the natural relationship, friendship and co-operation between the two peoples and the resolution of their common problems in a manner which is in line with Europe and is centred on human values.

The Hungarian Government, as a consequence of the effect of the information at hand and additional expert analysis and observations, has recognised that the avoidance of the dangers and potential risks inherent in the operation of the Gabčíkovo-Nagymaros Barrage System is essential. Therefore, in Spring of 1989, influenced by the historical responsibility, the Government suspended construction on the barrage system.

Among the risks, the threat to the region's drinking water is the greatest. The situation of the per capita replenishable drinking water supply of both Hungary and the Czech and Slovak Federal Republic is extremely unfavourable. We are among the lowest in Europe. Thus, we cannot allow the presently used bank filtration system, which guarantees cheap drinking water for many millions of people, or the only reserve for subsequent generations represented by the subsurface water reserves at Szigetköz and Csallóköz to be placed at risk.

Since the time of the suspension of construction work, the certainty that the Gabčíkovo Nagymaros Barrage would result in irreversible ecologically damaging processes has become quite great. These processes would result in serious ecological risks for the territories of both nations. In addition, the inspection of the plans and construction has revealed new dangers and questions of technical security related to the operations of the barrage.

The Hungarian Party has been and is seeking a resolution to this problem by way of negotiation. In the time since the suspension, in parallel with the completion of studies which would reveal the risks and the present state of the ecological treasures, the Hungarian Party has repeatedly (beginning in Summer of 1989) offered the Czech and Slovak Party the chance to cooperate and to amend the 1977 Interstate Treaty, and to conclude a new treaty, with a view to the fact that the advanced stage of the construction serves to increase the weight of the responsibility to arrive at a common decision. This is attested to by the Aide Memories and minutes of intergovernmental and Prime Ministerial meetings and by the correspondence between Prime Ministers.

The transformations in both nations have served to slow the process which would lead to efforts to find a common resolution to the problems of the Barrage System and negotiations were broken off in 1990. The negotiating thread was picked up in April 1991, so that we might find a common solution to the serious problem inherited from the totalitarian system. The road leading to a solution involves joint recognition of the fact that the Gabčíkovo Nagymaros Barrage is not a political, but a professional/scientific question. This is what was recorded by the Environmental Protection Committees of the Hungarian Parliament and of the Czech and Slovak Federal Parliaments at the beginning of October in Budapest. There is a need to organise the information we have, to gain that information which we do not have, and thus allow our governments to arrive at a joint decision in the midst of a qualitatively new situation.

To make a responsible joint decision, it is not enough to merely recognise the process rooted in the damaging processes of the past. On the road to a resolution, we need to undertake joint studies, analyses and common plans.

Prior to the meeting of 2 December, as is reflected in your letter as well, we have jointly done much to determine a common road. As a topic for the meeting, the negotiating partners had previously decided, by way of correspondence, on the formation of a joint committee to examine the professional/scientific question and the mandate of this committee. Both delegations recorded their proposals to this in writing. During the course of the negotiations, there was agreement as to the fact that both Parties may pose concrete questions to the joint expert committee which was to be formed. These questions may be wide-reaching (i.e. an examination of changes) or they may limit themselves to much more defined professional/scientific problems.

The purpose of the work of the expert committee is to develop a well-founded joint decision, thus the Hungarian Party found it logical and consistent that during the course of the studies and work of the committee, the Czech and Slovak Party should not undertake any work which would be aimed at unilateral solutions (which may, perhaps, mean the diversion of the Danube in contravention of international law.) It is for exactly this reason that the leader of the Hungarian Delegation named this as a condition of the formation of a joint committee. As it is the goal of neither Party to have the work of the committee drag on, a decision may thus be arrived at during a relatively short period of time.

With attention to all this, we would like to emphasise that the Hungarian negotiating delegation, in contrast to that which is contained in your letter, did not request a general halt to work. Our proposal was for only that work which is not in keeping with the Treaty of 1977. When it became apparent during the course of negotiations of 2 December that the Czech and Slovak delegation is not willing to fulfil even this minimum rational condition, we proposed a waiting period of 10 days to reconsider our positions in order to avoid the failure which would have meant the breaking off of the negotiations. According to my knowledge, you, too, are advocating a halt to works being undertaken which cannot be reconciled with the interstate Treaty in your open letter to representatives of the Slovak Republic.

Finally, we would also like to refer to the fact that the Hungarian Party, during the course of the Budapest negotiations, has always agreed to the participation of international experts in joint studies. There were differences, which were not irreconcilable, between the negotiating delegations as to the manner in which this should be undertaken. As a matter of fact, an agreement was reached as to the manner of participation of experts recommended by the European Community.

Dear Mr. Minister! We hope that our common intent to improve the situation will soon give us an opportunity to allow the commencement of professional/scientific co-operation which will allow us to come to an agreement as to the fate of the Gabčíkovo-Nagymaros Barrage System

Greetings:

(signatures of Sándor K. Keresztes and Ferenc Mádl)

Annex 69

LETTER FROM MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER TO MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, 18 DECEMBER 1991

Dear Mr. Minister!

The development and strengthening of good-neighbourly relations is a traditional effort made by our nations. The problems regarding the construction of the Gabčíkovo-Nagymaros Barrage System and the problems related to the interstate treaty regarding the construction and operation of the Gabčíkovo-Nagymaros Barrage System concluded between Slovakia and Hungary in 1977 are, to a certain extent, outside of the framework of these positive and constructive relations.

I assure you that the Czechoslovak Party is sincerely attempting to find a solution acceptable to both Parties.

Your needs, which were presented by the Hungarian delegations during the negotiations of 2 December 1991, are regarded by us to be of interest for familiarising ourselves with the position of the Czech-Slovak Party's position.

During the course of negotiations, our Governmental Delegation started consistently from the valid norms of international law. We, therefore, hold the fulfilment of treaty obligations to be the most important of these norms and our stance on the Danube barrage system is defined by just such a fundamental principle.

Dear Mr. Minister, please allow me to repeat and emphasise our position which was presented at the aforementioned Budapest negotiations.

The Czechoslovak Party considers useful the formation of a joint committee of experts, to include foreign experts nominated by the European Community based on the needs of both Parties. The Czechoslovak delegation had already made such a proposal during the negotiations of 15 July 1991 in Bratislava. The task of the committee would be the assessment of the alternative solutions and professional/scientific questions related to the Gabčíkovo-Nagymaros Barrage System, the above being placed before the committee by 31 December 1991.

I am repeatedly stressing that, because of the high state of readiness of the Gabčíkovo plant, the only solution that is acceptable for us is one which takes into account the putting into operation of the Gabčíkovo plant. As far as the fate of the Nagymaros plant is concerned, it should be solved in connection with compensating the CSFR for damage caused by Hungary's non-compliance with the interstate Treaty and its related documents. The Czechoslovak Party is, obviously willing to participate in the considered solution of ecological problems which may appear on the territory of either the CSFR or Hungary.

The Czechoslovak Party declares that it will continue work on the Gabčíkovo-Nagymaros Barrage System with the intention of commencing operation of the Gabčíkovo Barrage, while committing itself to not undertake work in the Danube's bed until July 1992.

Dear Mr. Minister, I note that all Czechoslovak steps taken pertaining to the Gabčíkovo-Nagymaros Barrage System are compatible with our obligations under international law. Measures related to work done beyond the scope of the Joint Contractual Plan were caused by the Hungarian Party's unilateral suspension of the fulfilment of its Treaty obligations. In the interests of adherence to the substance and goals of the 1977 Interstate Treaty, and in the interest of curbing the growing ecological and economic damage, the Czechoslovak Party, committed to fulfilling its responsibilities, was forced to resort to such measures.

I trust that the Hungarian Party will take notice of the aforementioned arguments and will develop a position which will adhere to the formalities of international law.

Dear Mr. Minister, allow me to express my regards.

Bratislava, 18 December 1991

Jan Carnogursky

Dr. Ferenc Mádl

Minister of the Government of the Republic of Hungary

Annex 70

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. MARIAN CALFA,
CZECHOSLOVAK PRIME MINISTER, 19 DECEMBER 1991

The Prime Minister of the Republic of Hungary

Budapest 19 December 1991

Marian Calfa,
the Prime Minister of the Czech and Slovak Republic

Dear Mr. Prime Minister!

In 1977 the former Government of the Peoples Republic of Hungary and the Government of the Czechoslovak Socialist Republic concluded a treaty with regard to the completion and operation of the Gabčíkovo-Nagymaros Barrage. What became widely known in both our countries is that, during the lengthy preparations, the authors of the joint plans disregarded the ecological and environmental point of view which is becoming more prevalent in developed countries.

This is the reason for the increase in the number of professional counter arguments from the beginning.

The Government of the Republic of Hungary suspended construction at Nagymaros on 13 May 1989 and the cross-filling of the river's bed at Dunakiliti on 20 July 1989 because it is convinced that the putting into operation of the Gabčíkovo Nagymaros Barrage will precipitate an ecological state of emergency.

Subsequent to the decisions concerning the suspension, the Hungarian party searched for a solution via negotiations. The Prime Ministerial meeting in 1989 attests to that. At the same time, in the summer of 1989 joint efforts were made to clarify the problems.

The transitions taking place in our countries offered an opportunity for a joint resolution of the serious problems inherited from the dictatorial system of the past and for the conclusion of a responsible and humane decision keeping in mind the interests of present and future generations. Our governments began negotiations in April of 1991.

The plenipotentiaries met first in Budapest, then in Bratislava in July and once again in Budapest in December.

The delegations emphasised on every occasion that they considered the issue of the Gabčíkovo Nagymaros Barrage to be primarily a professional-scientific problem. The Parliamentary Committees of the two countries with responsibility for environmental-ecological issues agreed with this in their joint statements and urged the earliest joint disclosure of these problems.

In accordance with this, during the negotiations in December of 1991, both parties considered the determination of the mandate of the committee which examine the professional questions to be their most important assignment. The delegations previously put their proposals separating this in writing and jointly produced an agreement. From this point of view, the meeting in December could have concluded with results.

At the same time the Hungarian delegation requested that, during the examination by the professional committee, the Czech and Slovak party refrain from work which is inconsistent with the Interstate Treaty of 1977 and which (in contravention of International Law) aims at a unilateral decision. This rational minimum requirement (which aids the equanimity of the joint research) was not taken into consideration by the Czech and Slovak delegation. However, it promised to notify the Czech and Slovak Government of the request. In light of this, the Hungarian party offered another ten days for the deliberation of this situation.

Jan Carnogursky, the Prime Minister of the Slovak Republic, in a letter dated 18 December 1991 to

Ferenc Mádl, the head of the Hungarian delegation, announced that the Czech and Slovak Party could only accept a solution which supports the putting into operation of the Gabčíkovo Barrage and for this purpose continued the construction of the Gabčíkovo Nagymaros Barrage. This also includes construction which deviates from the Joint Contractual Plan. The Hungarian Party has yet to receive information with regard to the results and aims of this construction.

With regard to the works carried out unilaterally and illegally on the territory of the Czech and Slovak Republic, I regret to state that there is less and less of a chance to set up the planned Joint Expert Committee and to reach a well-founded mutual decision. It would be rational to establish the Joint Expert Committee only if both Parties undertook to take into account the conclusions of the experts in the future. Thus [the Parties] should be open to the conclusions of the experts, instead of putting improper pressure upon them by accelerating the work and implying the irreversibility of the construction.

Dear Mr. Prime Minister, I am hopeful that the representatives of the Government and the Parliament of the Czech and Slovak Republic having regard to their historic responsibility will find an opportunity to take the above reasonable points of view into consideration. If this expectation proves to be futile, the Government of the Republic of Hungary would be compelled to review the consequences of the discontinuation of the negotiations, the fate of the 1977 interstate Treaty and the necessary counter-measures.

Please accept my highest regards.

With thanks,

József Antall

Annex 71

LETTER FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, 23 DECEMBER 1991

Dr. Ferenc Mádl
Minister Without Portfolio

Jan Carnogursky
President of the Government of the Slovak Republic

Dear Mr. Prime Minister!

I received your letter dated 18 December 1991 informing me of the continuation of the building of the Gabčíkovo Nagymaros Barrage and including the work over and above the scope of the joint agreement plan. The Hungarian delegation repeatedly initiated the suspension of the latter. I must disclose with sincere regret that the rejection of the Hungarian minimum request formulated during the negotiation on 2 December 1991 in Budapest will render the establishment and aim of the joint specialist committee impossible.

The Government of the Republic of Hungary discussed the contents of your letter in its session held on 19 December 1991 and received with regret the unjustifiably inflexible position of the Head of the Czech and Slovak delegation. In light of the fact that this difficult situation could only be ameliorated by taking into consideration the Hungarian initiatives, Prime Minister József Antall addressed a letter to Mr. Marian Calfa, the President of the Government of the Czech and Slovak Federal Republic, which, on the basis of an authorisation from József Antall, I will send together with mine.

Dear Mr. Prime Minister, allow me to assure you of my high esteem.

Budapest 23 December 1991.

Annex 72

LETTER FROM MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, TO MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, 8 JANUARY 1992

Bratislava, 8 January 1992

Dear Mr. Minister!

I received your letter dated 23 December 1991 fulfilment with great appreciation. In your letter, you express your opinion that the non-fulfilment of the demands made by the Hungarian Governmental delegation during the negotiations of 2 December 1991 would make the work of the proposed mixed committee of experts to judge the problem of the Gabčíkovo Nagymaros Barrage System in a comprehensive manner impossible.

Dear Mr. Minister, the problem of the construction and operation of the Danube barrage is multi-faceted. Primarily, we are speaking of a set of economic questions which include the problems of the utilisation of the Danube's energy potential, the problem of the almost finished Gabčíkovo hydroelectric plant and the further fate of the region destroyed by construction work. Not less important are the questions of unimpeded navigation on the entire Czechoslovak section of the Danube, the primary focus of European shippers. In the near future, following the Rhine-Main-Danube Canal's opening, the importance of the Danube waterway will grow even more.

It is only natural that we should respect environmental aspects when examining the above detailed points especially the demands set forth for the protection of the region's groundwater reserves.

Flood defences along the Danube, which came into view during last year's flood, continue to pose a serious problem, a problem which is also totally solved by the Gabčíkovo-Nagymaros Barrage System.

Prime Minister József Antall, in his letter to the Prime Minister of the CSFR, mentions the fact that the Hungarian Government suspended construction work at Nagymaros on 13 May 1989, and suspended work on the obstruction of the Danube at Dunakiliti on 20 June 1989 because, in all probability, it became convinced that the commencement of the operations of the Gabčíkovo-Nagymaros Barrage System would pose an ecological emergency situation.

Dear Mr. Minister, at the end of the negotiations held in Budapest on 2 December 1991, I gave you the notes of the scientific work undertaken by the Bratislava Water Management Institute from 1951 regarding the Barrage System. The notes contain 364 titles. This is only the result of activities at one workplace, that is to say, the number of articles dealing with the aforementioned problem by Czechoslovak experts is most likely much greater. They do not, however, make any mention of the threat of any ecological catastrophe. Individual experts call attention to the possible ecological risks posed by the operations of the barrage system, but concede, at the same time, that these may be minimised by technological measures within our means. In the Slovak National Council, even the representatives of the Green Party expressed their support for the completion of the Gabčíkovo-Nagymaros Barrage System as long as the 19 conditions, set forth by the Slovak Environmental Studies Institute within the framework of expert opinion given to the Gabčíkovo Barrage investor as per the water law, were followed. This, also, attests to the fact that the administrative bodies in our Republic pay adequate attention to the ecological questions surrounding the Gabčíkovo-Nagymaros Barrage System.

Since the time when the Hungarian Party unilaterally suspended the work which was underway on the Gabčíkovo-Nagymaros Barrage System, a period of over two years, you have not submitted any scientific or technological arguments which justify your worries as to the threat of ecological catastrophe.

Dear Mr. Minister, in accordance with the Protocol of the Amendment to the Agreement signed between the Government of CSFR and the Government of the Hungarian People's Republic in Budapest on 16 September, on Mutual Assistance concerning the construction and operation of the Gabčíkovo-

Nagymaros Barrage System, the first generator should have begun operation on 1 July 1990 and the last (the eighth) in 1992. You are well aware of how reality differs from this conception. Our experts assess the daily losses incurred by the CSFR, as a result of the failure to commence operations, at 20 Million Kcs. The Government of the Czech and Slovak Federal Republic and the Government of the Slovak Republic are attempting to diminish this economic loss to a minimum.

We repeatedly emphasised at joint negotiations undertaken by the Governmental Delegations of the CSFR and the Republic of Hungary that we can only accept a solution which is aimed at the commencement of operations of the Gabčíkovo Barrage. This demand is justified by the advanced stage of the construction at Gabčíkovo and the amount of material resources invested.

The Czechoslovak Party has been attempting, since May 1989, to find a way out of the present situation regarding the Gabčíkovo-Nagymaros Barrage System, a situation which is unacceptable to both Parties. These attempts were made apparent in July 1991, during a negotiation of Governmental Delegations in Bratislava as to the formation of a mixed special committee of experts consisting of experts from the CSFR, the Republic of Hungary and the European Community, a committee which would judge the question regarding the barrage system in a comprehensive manner. Concrete negotiations regarding this proposal were undertaken on 2 December 1991 in Budapest, during the meeting of the Governmental Delegations of the CSFR and the Republic of Hungary.

Dear Mr. Minister, despite your position of rejection expressed in your letter date 23 December 1991, it is my opinion that the work of a committee consisting of experts, as mentioned above, would have significance even in the present situation. The Government of the CSFR is prepared to name its experts, who would take part in the committee's activities.

The participation of the experts of the European Community in the work of the aforementioned mixed committee of experts is tied to the conditions of the petitions made by the Governments of both nations, which must be addressed to the European Community and which must express the condition that this international institute name its own experts to the committee. I reiterate our readiness to send such a petition at once.

Dear Mr. Minister, please inform me of your position in this matter.

The Czechoslovak Party is willing to take into consideration the conclusions of the work done by such a committee of experts in any further procedures regarding the Gabčíkovo-Nagymaros Barrage System. It is also known that the Government of the CSFR is willing to suspend the provisional solution on its own sovereign territory insofar as the Government of the Republic of Hungary is able to find an opportunity to enter into a joint solution.

Dear Mr. Minister, please consider the arguments listed herein and use your influence and position to assure the formation of a mixed committee of experts, in which the experts of the Republic of Hungary, the CSFR and the European Community would be represented. I, personally, am of the opinion that the formation of such an objective body is necessary and worthwhile.

Dear Mr. Minister, I assure you of my regard.

Jan Carnogursky.

Annex 73

LETTER FROM MR. MARIAN CALFA, CZECHOSLOVAK PRIME MINISTER, TO MR. JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 23 JANUARY 1992

Prague, 23 January 1992

Dear Mr. Prime Minister!

It is with great appreciation that I received your letter dated 19 December 1991. In connection with the Gabčíkovo-Nagymaros Barrage System, I would like to point out that the construction and operation of the Danube Barrage System is of extraordinary importance to the CSFR and is manifested in questions of the economics, ecology, water management and navigation conditions to be developed within the territories of our nation.

In connection with the complex judgement of this entire group of problems from a modern point of view, we must realise that the Interstate Treaty Regarding the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System of 1977 is valid and demands the fulfilment of contractual obligations by both Parties. The Czechoslovak Party is ready to complete the work on the construction of the Danube Barrage System, while at the same time, minimising the verifiable ecological consequences, thus complying with contractual obligations.

I would like to emphasise that the construction of the power plant was undertaken step by step, with the agreement of the Governments of both States, until 13 May 1989, when the Government of the Republic of Hungary decided, unilaterally, to suspend the construction of the Nagymaros Power Plant, led by worries as to the creation of an ecological state of necessity by the commencement of the operations of the Nagymaros Barrage System.

Despite negotiations between the CSFR and the REPUBLIC OF HUNGARY on a governmental level by the Plenipotentiaries of the Governments of the CSFR and the REPUBLIC OF HUNGARY, during the course of which the Czechoslovak Party endeavoured to gain the recognition of a solution acceptable to both negotiating partners, the positions of the Hungarian Government and Parliament remained unchanged. As a matter of fact, the Hungarian Parliament, in its Resolution dated 23 April 1991 committed the Hungarian Government to negotiate with the Government of the CSFR the termination of the Interstate Treaty of 1977 and to conclude a new Treaty as to the assignment of rights and obligations resulting from the abandonment of the construction of the Danube Barrage System.

I, myself, underscore the assessment that the problem pertaining to the Gabčíkovo-Nagymaros Barrage System is primarily a question of a professional/scientific nature. In this light, I would like to bring your attention to the fact that the Czechoslovak Party has drawn up a series of professional documents, a list of which it gave to the Hungarian Party, which declare that none of the studies on the list have proven the danger of concrete and irreversible ecological catastrophe as a result of the completion of the Nagymaros Barrage System. The Hungarian Party has not yet presented any type of material of an evidentiary nature as to this question.

Dear Mr. Prime Minister, in your letter, you write that the work in progress on the Gabčíkovo-Nagymaros is unlawful and endangers the creation of a Joint Commission.

In this light, I would like to emphasise that the decision by the Hungarian Government to stop the construction of the Danube Barrage System is unlawful and has a negative effect on the CSFR, on the territory of which extensive construction has been carried out in the recent past, with the agreement of the Governments of both nations, and where, as a result, the major part of the projects are in a high state of readiness. In the interest of minimising the increasingly cumulative economic and ecological damage on Czechoslovak territory and so that the energy potential at our disposal is optimally utilised and that the Danube's bed becomes suitable for the fulfilment of the absolutely indispensable needs of navigation. ... In the event that the conclusions [of the Committee] and the monitoring of the Gabčíkovo Barrage's test plant prove that the negative ecological consequences are greater than the expected profit,

Czechoslovakia is ready to stop work on the provisional solution and to continue construction based on mutual agreement.

In this spirit, I propose that we turn, jointly to the European Community, requesting that they send experts to the Czechoslovak-Hungarian Joint Committee as soon as possible, so that it may begin its work within the shortest possible period of time.

Dear Mr. Prime Minister,

I would like to assure you that a further escalation of the problem is not in the interests of the Czechoslovak Party, rather, just the opposite. The Czechoslovak Party is endeavouring, in the spirit of the existing, traditionally good and friendly relations between the two nations, to try to open a path for the development of a common solution which is acceptable to both Parties.

Dear Mr. Prime Minister, please accept my highest regards.

Marian Calfa

To Honourable

József Antall,

Prime Minister of the

Hungarian Republic

Budapest

Annex 74

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
EMBASSY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 14 FEBRUARY 1992

NOTE VERBALE

2014/92

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czech and Slovak Federal Republic and in the name of the Hungarian Government has the honour to disclose the following:

The Hungarian Government in a letter from Mr. Marian Calfa, Prime Minister of the Czech and Slovak Federal Republic, dated 23 January 1992 received on 4 February 1992 by the Mr. Joseph Antall, Prime Minister of Hungary was notified him of the Czech and Slovak Federal Republic's decision brought about on 12 December 1991 which supports the completion of construction and the putting into operation of the Gabčíkovo Hydroelectric Plant on the territory of the Czech and Slovak Federal Republic.

The Hungarian Government is compelled to ascertain that the decision by the Government of the Czech and Slovak Federal Republic and the work being carried out in light of it is inequitable and aims at the diversion of the Danube based on a unilateral decision. The Hungarian Government would like to emphasise its opinion previously expressed during the course of intergovernmental negotiations regarding the Gabčíkovo Nagymaros Barrage that the resolution of the Czech and Slovak Federal Republic and its implementation is in contravention of both the Interstate Treaty in force since 1977 regarding the construction and operation of the Gabčíkovo Nagymaros Barrage and the convention ratified in 1976 regarding the water management of boundary waters.

The Hungarian Government brings to the attention of the Czech and Slovak Federal Republic that a unilateral decision to divert the Danube is inconsistent with the principles of sovereignty, territorial integrity, with the inviolability of state borders, as well as with the general customary norms on international rivers and the spirit of the 1948 Belgrade Danube Convention. In light of this the Hungarian Government deems the decision brought about on 12 December 1991 by the Czech and Slovak Federal Republic unlawful and unacceptable and calls upon the Czech and Slovak Federal Republic to discontinue work on the diversion of the Danube.

The Hungarian Government will repeatedly make use of the opportunity to express its intent to achieve a mutual agreement with regard to the disputed questions concerning the Gabčíkovo Nagymaros Barrage. At the same time, the Hungarian Government must establish that the decision brought about by the Czech and Slovak Federal Republic and its implementation will impede this endeavour.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Czech and Slovak Federal Republic the assurances of its highest consideration.

14 February 1992

Annex 75

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. MARIAN CALFA,
CZECHOSLOVAK PRIME MINISTER, 26 FEBRUARY 1992

Republic of Hungary
Prime Minister

26 February 1992

Marian Calfa
President of the
Government of the Czech and Slovak Republic

Dear Mr. Prime Minister!

I thank you for your letter of January 23, 1992, which is inspired by Governmental worry and responsibility about for the Danube Barrage System. This worry and responsibility are shared. We are responsible for the natural living conditions of our peoples and for the development of good neighbour relations. In this vein, and I am sure that you, Mr. Prime Minister, will agree, we must make the rational decision and not allow tensions to develop between our nations in place of European co-operation. The maintenance of good co-operation between the states of the region, the "Visegrád three" is in our common interests as is the resolution of tensions by way of negotiation.

The Hungarian Government has repeatedly dealt with the situation which has developed in relation to the Gabčíkovo Barrage. Allow me to inform you on the position of the Government. The Danube Barrage system is a serious problem inherited from the past. The unanswered questions, the profoundly difficult tasks standing before us, the material losses which unjustly burden the future and the roots of the damage are all the result of the past political system's faulty decision-making mechanisms.

During the long years of preparation, they, irresponsibly, left out the majority of the representatives of those professions which were necessary to lay the foundations of the plans and silenced those who spoke out against the construction. For the most part, the natural and environmental values of the affected region remained unravellled. The plant was being built while the decision-makers of both nations were ignorant of the irreversible, damaging ecological consequences.

The period following the suspension of construction on the Hungarian side presented an opportunity to examine the Barrage's environmental consequences and to supplement essential studies, which were never undertaken.

I ask you, to allow me, once again, to summarise the most serious ecological risks.

According to the Hungarian experts and the leaders of the foreign experts who were asked to participate, the commencement of operations of the Gabčíkovo Barrage would be an extraordinarily drastic and considerable, interference in the natural order. The Danube is to be placed in a 30 km long, isolated canal. Such interference is not to be found anywhere along the Danube.

The alteration of the dynamic balance in the water systems of the affected territories will irreparably damage both Hungary's and Czech and Slovakia's most significant drinking water resource, the long-term protection of which being one of the most important strategic questions for all the nations of Europe. The Danube bed's filtration qualities are a deciding factor in the quality and quantity of water in both the presently operational water-front filtration wells, guaranteeing Bratislava's water supply, and in the water stored in the gravel sedimentary cap at Zitny Ostrov-Szigetköz, which is several hundred metres thick. Interference so far has not affected the constantly replenished supply, which could, in the long-term, guarantee for the future 3 million m³ of water which does not need to be cleaned, water enough for 5 million persons. With the commencement of the Barrage's operations, this water supply, among other aspects, is also endangered. The expense of investing in replacements to substitute for the potential damage and loss of these water bases is inestimable.

With changes in the groundwater, the region's excellent agricultural and forest lands will be lost. With changes to the ground's water housekeeping, the ground's mineral nature and constitution will alter. The alterations in this will induce changes in plant cover and in the animal community. The plant and animal communities which live here are acclimatised to the water's seasonal dynamics. These communities are able to keep in step with this process only in gradual stages. The drastic changes resulting from the Danube's relocation will be answered by the degradation and annihilation of natural and environmental values.

In connection with the above, I would mention that the Treaty of Association signed by Hungary and the European Community last year considers that, in harmony with international environmental protection law, the battle against local, regional, and cross-border air and water pollution, the protection of the water quality of waterways crossing borders, and co-operation in such efforts to be of elevated importance.

We also cannot consider as unimportant the fact that the region's seismological links and the related dangers had not been revealed.

Dear Mr. Prime Minister! The Hungarian Government has, since its suspension of construction work, sought to resolve the problem by disclosing our shared environmental problems and negotiations. We have informed our Czech and Slovak negotiating partners both orally and in written form of the questions we consider to be serious. At the same time, your experts have not, as yet, presented to us one study which would prove that the expected damage and risks presented by us are not realistic. This is why we proposed the creation of a tri-lateral expert commission, with the participation of international experts, so that both Parties may be in possession of the information necessary to arrive at a responsible decision. This is of decisive importance to both Parties.. Tri-lateral discussions could not be held until now because the Czech and Slovak Party has not agreed, either at the meeting of December 1991 or since, to suspend the construction work which is in progress in contravention of the inter state Treaty of 1977, a step which we consider to be a necessary prerequisite to the creation of a joint expert commission. As a matter of fact, to our great dismay, in your letter sent subsequent to the December meeting, dated January 23, 1992, Mr. Prime Minister, you informed us of the Governmental Decision regarding unilateral construction work aimed at bringing the Gabčíkovo Power Plant into operation to be done on Czech and Slovak territory only. In the time which has since passed, news has arrived that the conclusion the pace of construction has accelerated. This, without accelerate any tri-lateral examination in the mean time, serves to the ecological danger and the relocation of the Danube as a result of a unilateral decision constitutes a serious breach of international law.

The work towards the unilateral relocation of the Danube was announced by the Czech and Slovak Party as a response to the Hungarian decision to suspend work, a supplementary solution, based on the opinion that the Hungarian decision constitutes a breach of the inter state Treaty of 1977. On the contrary, I would like to emphasise that the suspension of work on the Hungarian part was not only unavoidable, but was a measure in complete agreement with international law. There are several arguments to support this assertion. I would refer here to only the most important. The Hungarian party undertook this measure as a response to an ecological emergency. This excludes the unlawfulness of Governmental measures to order suspension because this was the only possibility available for the protection of the interests of the population of the nation and the region. It can be recorded as a fundamental question of international law that the adherence to this Treaty would have entailed unbearable ecological consequences, which a responsible Government could no accept. Thus, the Hungarian decision to suspend work was not unlawful.

On the opposite side, the unilateral relocation of the Danube not only makes the validity of the inter state Treaty of 1977 questionable and is in contravention thereof, but also breaches several further provisions of international law. The supplementary solution stands in opposition to the principle of respect for sovereignty and territorial integrity, which are obligatory rules of international law. When the Danube leaves Bratislava, it becomes an international boundary river, and comes under Hungarian supreme authority on the one hand and Czech and Slovak supreme authority on the other. It proceeds from this

that the fate of the shared boundary river can be decided only by the agreement of both nations. The temporary solution is in contravention of the principle of inviolability of state borders. Thus, the execution thereof cannot conform with the fundamental principles set forth in the Charter of the UN and the Helsinki Closing Document. The relocation of the Danube would move the navigable main line, which is presently, according to the provisions of the Paris Peace treaty (and, indirectly, the Peace Treaty of Trianon), constitutes the border between the two states, from common territory to Czech and Slovak territory. The execution of unilateral measures would fundamentally change the character of the border.

Esteemed Mr. Prime Minister!

At the meetings of the Plenipotentiaries of our Governments held last year, there was agreement on the fact that the primary problems are of a professional/scientific nature. The effort to create a trilateral expert commission was a shared one. The purpose and work of the trilateral commission is being made questionable by the construction work being undertaken on the Czech and Slovak side to complete unilaterally the Gabčíkovo Barrage, work which is approved by a high-level, Governmental decision. A responsible, common position is inconceivable without a clear view of the professional/scientific problems. Thus, in accordance with the Decision arrived at by the Hungarian Government on February 20, 1992, I once again request the suspension of construction work irreconcilable with the inter state Treaty of 1977 and the general norms of international law, that the trilateral inquiries may, thus, commence, without delay and the international legal conflict be resolved by way of common agreement as soon as possible. The decisive task, now, is to guarantee peace and stability, here, in the heart of Europe, and the co-operation of the "Visegrád three," instead of increasing tensions. This responsibility burdens us, now. We await the Czech and Slovak Government's response to the common path outlined.

If the Government of the Czech and Slovak Federal Republic were to reject our proposals anyway and continue the work aimed at the diversion of the Danube, which is a serious breach of international law, then it will create a very difficult situation. This would demonstrate not only the further breach of a series of international treaties, but with its unilateral act the Czech and Slovak Party is in breach of the 1977 inter-state Treaty itself, is questioning its continued effectiveness, and is considering the Treaty to no longer be in effect. The Government of the Czech and Slovak Republic would thus be placing the Hungarian Government into a state of necessity forcing it to terminate the Treaty. ... Insofar as ... the Government of the Czech and Slovak Republic does not find the opportunity to commence trilateral inquiries within a rational period of time and simultaneously suspend the unilateral work while said inquiries are underway, the Hungarian Government will have no choice but to respond to this situation of necessity by terminating the 1977 inter-state Treaty. It must do so in defence of the environmental/ecological values, the peoples of the region, the living conditions of future generations, international law, and the territorial sovereignty of Hungary.

I inform you that the Government has asked for the prior authorisation of Parliament as to the above.

In conclusion, I express my faith that the outlined solution discussed can be accepted by public opinion, the sphere of professionals/scientists, and the responsible Governmental factors in both nations.

Please accept my best regards.

Sincerely,

József Antall

Annex 76

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL REPUBLIC TO THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY, 17 MARCH 1992

NOTE VERBALE

83.015/92

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to the Ministry of Foreign Affairs of the Republic of Hungary and acknowledges receipt of the Memorandum of the Republic of Hungary number KUM 2014/92, dated 14 February 1992 and has the honour to convey the following:

The Government of the Czech and Slovak Federal Republic arrived at its decision on the completion of work on the Project exclusively on the territory of the Czech and Slovak Federal Republic, and aimed at the temporary commencement of operations subsequent to the fact that the 2 December 1991 round of negotiations between Governmental Delegations ended unsuccessfully because of the Hungarian Party's position. Since 13 May 1989, the Republic of Hungary has not been fulfilling its obligations set forth in the 1977 Treaty Regarding the Construction and Operation of the Gabčíkovo-Nagymaros Hydroelectric Power Plant, has not shown a willingness to resolve these problems by way of negotiation and has not accepted the proposal to create a joint professional commission with the participation of European Community experts.

Following more than two and one half years of unsuccessful negotiations, primarily in defence of the State's fundamental ecological and economic interests, and due to the actions of the Hungarian Party, the Government of the Czech and Slovak Federal Republic has been forced to commence work on a purely provisional solution. This provisional solution will not prevent parties continuing negotiations and implementing the purpose of the 1977 Treaty.

The Government of the Czech and Slovak Federal Republic, which first proposed the creation of a joint professional commission with the participation of EC experts, without prior conditions, once again reiterates its interest in the creation of such a commission, and is prepared to take into consideration the conclusions of such a commission in coming to a decision on the problems related to the Project. In the event of proof that the negative ecological consequences of the operations of the Project outweigh the benefits arising therefrom, the Czechoslovak Party is prepared to cease work on a provisional solution and to decide the power plant's fate on the basis of a joint agreement.

Work on the temporary measures will also cease if the Hungarian Party discontinues its unilateral breach of the 1977 Treaty and recommences the obligations provided for it therein or if an agreement is concluded between the Republic of Hungary and the Czech and Slovak Federal Republic as to some other solution regarding the fate of the Project.

Due to the reasons expressed above, the Government of the Czech and Slovak Federal Republic rejects the allegation that the Resolution passed by the Government on 12 December 1991 is unlawful and in contravention of the fundamental principles contained in the previously mentioned memoranda and treaties.

The Government of the Czech and Slovak Federal Republic is prepared to continue negotiations with the Hungarian Government on all levels regarding the situation which has developed. At the same time, it cannot agree to the cessation of work on the provisional solution. According to the view of the Czechoslovak Party, the amount of time at our disposal prior to the diversion of the Danube should suffice for the resolution of the debated issues through a joint agreement between the two nations.

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Hungary the assurances of its highest consideration.

Prague, 17 March 1992.

Annex 77

LETTER FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JAN
CARNOGURSKY, SLOVAK PRIME MINISTER, 30 MARCH 1992

Dr. Ferenc Mádl
Minister without portfolio

1037 Budapest
P.O.B. 2
Tel:2528-996
Fax:1533-622

Mr. Jan Carnogursky
Prime Minister of the Government
of the Slovak Republic

Dear Mr. Prime Minister,

I thank you for your letter dated 23 March 1992.

It is really crucially important to survey the tasks concerning the formation of the tripartite commission dealing with professional-scientific questions, and therefore I thank you for your invitation to the personal meeting. Please allow me however to call your attention to the resolution of 24. March of the Hungarian Parliament, according to which it is necessary to stop works contrary to the 1977 Interstate Treaty in order to start the tripartite surveys. I trust I can present you with this resolution of the Hungarian Parliament in detail at our personal meeting, and we can resolve this difficult situation through the spirit of your progressive ideas.

Dear Mr Prime Minister, please accept herewith my sincere appreciation.

Budapest, 30 March 1992

(Mádl Ferenc)

Brussels, 13. IV. 1992



Dear Minister,

With reference to Prime Minister Antall's letter to President Delors of 5 March last and my meeting with Professor Vardi in Brussels on March 19, 1992 concerning the Gaboicovo-Nagyvaros Dam, I would hereby like to confirm that the Commission of the European Communities in principle would be willing to assist the two Governments in identifying a technically and economically feasible solution to this serious problem.

The Commission is willing to participate in and to chair a Committee of independent experts with representatives from the two countries. The objective of this Committee would be to assess the scientific and ecological effects of the project as well as the relevant aspects of international public law applying to it, on the basis of which the two Governments can identify a mutually acceptable solution.

The members of the Committee should be independent professionals with solid experience in the relevant fields and neither civil servants nor politicians. The work of the Committee should, in our view, be based as much as possible on existing documentation and information and the Committee should prepare its assessment within six months.

A possible Commission involvement would depend on the following:

- (i) receipt of a joint letter, or two letters of similar text, inviting the Commission to participate, and setting out the terms of reference or mandate for the work of the Committee;
- (ii) the acceptance that the outcome of this assessment would provide the agreed scientific/ecological and legal basis for subsequent decision-making; and
- (iii) each Government would not take any steps, while the Committee is at work, which would prejudice possible actions to be undertaken on the basis of the report's findings.

His Excellency
 Mr. G. JASZENSZKY
 Minister for Foreign Affairs
 Sam RKE 47
 1027 Budapest
 Republic of Hungary

The Commission of the European Communities is, provided these conditions are met, willing to support the work of the Committee with civil servants as well as external expertise if necessary.

I also would like to inform you that a letter of a similar nature and content has been sent to Mr. Dienstbier, Minister in Prague.

I hope that it may be possible for the Governments of Hungary and Czechoslovakia to reach agreement on the above suggestions, as I believe that such a Committee can function as an important catalyst in finding a solution to this very serious, complex and sensitive problem.

Yours respectfully,



copy: His Excellency
 Prof. MADL
 Minister,
 Office of the Cabinet
 Kossuth Lajos ter 1-3
 1053 Budapest
 Republic of Hungary

Mr. ROGAR
 State Secretary,
 Ministry of International Economic Relations
 Honvéd utca. 13-15
 1055 Budapest
 Republic of Hungary

COPY RETYPED FOR PURPOSES OF LEGIBILITY

Brussels, 13. IV. 1992.

Dear Minister,

With reference to Prime Minister Antall's letter to President Delors of 5 March last and my meeting with Professor Madl in Brussels on March 19, 1992 concerning the Gabčíkovo-Nagymaros Dam, I would hereby like to confirm that the Commission of the European Communities in principle would be willing to assist the two Governments in identifying a technically and economically feasible solution to this serious problem.

The Commission is willing to participate in and to chair a Committee of independent experts with representatives from the two countries. The objective of this Committee would be to assess the scientific and ecological effects of the project as well as the relevant aspects of international public law applying to it, on the basis of which the two Governments can identify a mutually acceptable solution.

The members of the Committee should be independent professionals with solid experience in the relevant fields and neither civil servants nor politicians. The work of the Committee should, in our view, be based as much as possible on existing documentation and information and the Committee should prepare its assessment within six months.

A possible Commission involvement would depend on the following:

- 1, receipt of a joint letter, or two letters of similar text, inviting the Commission to participate, and settling out the terms of reference or mandate for the work of the Committee,
- 2, the acceptance that the outcome of this assessment would provide the agreed scientific/ecological and legal basis for subsequent decision-making; and
- 3, each Government would not take any steps, while the Committee is at work, which would prejudice possible actions to be undertaken on the basis of the report's findings.

The Commission of the European Communities is, provided these conditions are met, willing to support the work of the Committee with civil servants as well as external expertise if necessary.

I also would like to inform you that a letter of a similar nature and content has been sent to Mr. Dienstbier, Minister in Prague.

I hope that it may be possible for the Governments of Hungary and Czechoslovakia to reach agreement on the above suggestions, as I believe that such a Committee can function as an important catalyst in finding a solution to this very serious, complex and sensitive problem.

Your respectfully,

Annex 79

LETTER FROM MR. MARIAN CALFA, CZECHOSLOVAK PRIME MINISTER, TO MR. JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 23 APRIL 1992

Marian Calfa
Czech and Slovak Federal Prime Minister

23 April 1992

Prime Minister
József Antall's

Dear Mr. Prime Minister!

I received your letter dated 26 February 1992 with appreciation. I, personally, share the opinion that all the questions related to the Gabčíkovo-Nagymaros Barrage System are a common concern which must be resolved, before all else, in accordance with the Treaty concluded in 1977 between the PRH and the CSFR on the construction and operation of the Gabčíkovo-Nagymaros Barrage System; in accordance, therefore, with the Treaty that the Czech and Slovak Federal Republic considers valid and has always considered valid. The Government of the Czech and Slovak Federal Republic and other responsible Czechoslovak bodies have, during the course of their decision-making procedures in relation to the Gabčíkovo-Nagymaros Barrage System, always proceeded in line with their obligations as contained in the 1977 Treaty and have, at the same time, kept the entire Danube region's ecological interests in view. I would like to emphasise immediately at the beginning that the Czech and Slovak Federal Republic considered the problems which arose in relation to the construction and operation of the Gabčíkovo-Nagymaros Barrage System subsequent to 13 May 1989 to be professional problems and have endeavoured to resolve these problems at a professional level, without emotional and political interference. It is in the interests of the Government of the Czech and Slovak Federal Republic that this question does not have a negative effect upon other areas of its traditionally good, and many sided relationships.

The Government of the Republic of Hungary has, since 13 May 1989, when, without any consultations with the Czechoslovak Party and in contravention of the 1977 Treaty, it broke off the fulfilment of the obligations set forth for it in the 1977 Treaty, not submitted any scientifically and technically founded documents which would justify the Hungarian Party's worries concerning an ecological catastrophe. In this light, I was surprised by that section of your letter which expressed your surprise that the Czech and Slovak experts have given the Hungarian Party no documents to prove that the Hungarian Party's worries are groundless. There can be no doubt that the Hungarian Party is the Party which must prove your allegations concerning an ecological catastrophe and, at the same time, make a proposal which would respect both the existing state of the construction work on the Gabčíkovo-Nagymaros Barrage System and the global ecological state of the given region.

Almost three years have passed since the Hungarian Government's unlawful decision and during that time we, on the Czechoslovak part, have undertaken a series of studies and planning work intended to find an optimal solution which would be acceptable to both Parties for a resolution of the problems related to the Gabčíkovo-Nagymaros Barrage System. The Czech and Slovak Federal Republic also considers the protection of the undergroundwater supplies and the ecosystem to be of great importance, however the aforementioned studies have found no grounds for the Hungarian Party's worries concerning an ecological catastrophe.

As regards the seismological conditions, I am of the opinion that this question was examined by our Academies of Science and that they have resolved this matter.

Dear Mr. Prime Minister!

Please allow me to call your attention to the fact that the suspension of work by your Government three years ago is causing a series of serious ecological, economic and other problems on the territory of the CSFR. As a result of the fact that a series of barrages have been built on the Danube's German and Austrian sections the amount of debris carried by the river has significantly decreased, resulting in the increase of erosion activity along the section of the River below Bratislava. The water level in the river has, for this reason, sunk 1-1.5 metres, cutting off a series of tributaries, which resulted in the fact that, for instance, the Moson branch was left without water flowing through it for some 300 days during 1991. In the absence of a speedy intervention, the forests of the region's flood plains are condemned to death. Fundamental ecological problems are raised, also, by a 25 km long, and, on average, 350 metre wide, head-race canal, unused as of yet, which was built on our sovereign territory by not only Czechoslovak, but Hungarian organisations, as well, on the basis of the 1977 Treaty.

During the selection of further procedures aimed at resolving the questions at issue concerning the Gabčíkovo-Nagymaros Barrage System it is absolutely necessary that other important correlations are also taken into account. Last August's flood has once again demonstrated that flood protection for Czechoslovak and Hungarian territory in the Bratislava-Medve region is totally insufficient. The utilisation of the Gabčíkovo Hydroelectric Power Plant's head-race canal to carry the flood waves would, for this very reason, be a significant contribution to the growth of the security of the entire region's population.

The Rhine-Main-Danube canal, which would provide a link between the Arctic Sea to the Black Sea is nearing completion. Its opening, scheduled for Autumn of this year will place new demands upon the improvement of navigation along the joint Czechoslovak-Hungarian section of the Danube. In the interests of our nations' economies we must satisfy these demands as quickly as possible. In this area, as well, the Project is the fastest, the most effective and also, in all probability, the most acceptable from an ecological point of view.

We also must take note of the fact that the Danube is, for our nations, by far the largest self-renewing energy resource, the utilisation of which, for the production of electrical energy in an ecologically viable manner could fundamentally improve our nations' difficult energy situations. At the same time, this could contribute to the resolution of pressing problems arising from the use of coal for energy purposes, especially in the CSFR, in the Nyitra region and in the north-eastern areas of the Czech Republic. The CSFR's present economic situation makes it our responsibility to pay serious attention to those immense amounts of money which we have used up during the course of the construction of the Project. We cannot allow ourselves to abandon our previous work, or to demolish it when has not been proved convincingly that the commencement of operations would lead to the "catastrophic ecological consequences" which you have mentioned.

We believe that during the course of arriving at its decision on the Project, the Hungarian Party will take all the ecological, security, navigation, energy, and economic correlations properly into account. For the CSFR, the earliest possible resolution of the unresolved questions regarding the construction of the Gabčíkovo-Nagymaros Barrage System is of special importance.

Dear Mr. Prime Minister!

In your letter you write that the Hungarian Party has made efforts to create a trilateral joint committee of experts with the participation of international experts. In this light, please allow me to call your attention to the fact that the Plenipotentiary of the Government of the Czech and Slovak Federal Republic responsible for the construction and operation of the Gabčíkovo-Nagymaros Barrage System submitted the proposal for the creation of a trilateral committee to the Hungarian Party during the meeting of Governmental Plenipotentiaries on 6 September 1990. Our proposal was repeatedly submitted at various levels, the last occasion being the meeting of our Governmental Delegations in Bratislava on 14-15 July 1991, but the Hungarian Party has always rejected this proposal. During the negotiations held in

Budapest on 1-2 December 1991, Hungary did accept the Czechoslovak proposal, but made the acceptance of that contingent upon the unilaterally defined condition that all work underway towards the provisional commencement of operations be suspended, said condition being of the same nature as an ultimatum.

You also mention that the Hungarian Party has sought the resolution of the problems by way of negotiations. During the course of the past three years, however, the Hungarian Party has not submitted one single constructive proposal towards the resolution of the situation which has developed.

Proposals to liquidate, or conserve the almost finished plant and demands for the termination of the 1977 Treaty cannot, in my view, be listed among the constructive solutions. These proposals also avoided any definite ideas as to the technical resolution of the liquidation, conservation or the settlement of the financial questions which relate to these. Unfortunately, it is obvious from your letter of 26 February 1992 that the Hungarian Party is still unwilling to agree to the commencement of the operation of the Gabčíkovo Project in an ecologically safe manner, even if its effects on the environment are strictly monitored, including the quality of the sub-surface water supplies, as well.

Due to the above reasons and the actions of the Hungarian Government, the Government of the CSFR, as I informed you in my letter of 23 January 1992, was forced to pass a Resolution as to the taking of measures which would provisionally begin the operation of the Gabčíkovo Barrage exclusively on the territory of the Czech and Slovak Federal Republic.

In relation to this matter, Protocol no. 83.015/92-MPO of the Federal Foreign Ministry of the CSFR, dated 18 March 1992 contains further information which also justifies the rejection by the Government of the CSFR of the allegation that the decision to undertake a provisional solution is unlawful.

I am firmly convinced that the resolution of the existing problems cannot be based on the giving of such ultimatums which would influence not only relations between states, but also the entire Central European situation in a negative manner. I see nothing positive in the declarations made by Hungarian representatives that the Hungarian Party is considering the unilateral termination of the Treaty concluded in 1977 on the construction of the Gabčíkovo -Nagyymaros Barrage System if the Czechoslovak Party does not suspend all work related to the provisional solution by 30 April 1992.

The Government of the Czech and Slovak Federal Republic is prepared to discuss, at all levels, any and all aspects of the implementation of the 1977 Treaty, i.e., the construction and operation of the Gabčíkovo-Nagyymaros Barrage System. I propose that the Plenipotentiaries of our Governments first discuss the professional/technical questions, in the manner set forth in article 3 of the 1977 Treaty. It is, however, the responsibility of the Government of the Czech and Slovak Federal Republic and the government of the Republic of Hungary alike to create the proper conditions for their work to be undertaken. Czechoslovak has shown enough good intentions and a readiness to negotiate, but it can no longer give consideration to the time-wasting and delays which are being used by Hungary, and thus, it cannot suspend work related to the provisional solution. In my view, until the Danube is closed (31 October 1992) there is still an opportunity to resolve the debated question by way of an agreement between the two States. I once again repeat that the Government of the CSFR, which was the first to propose the creation of a joint committee of experts with the participation of experts from the European Community, is interested in the creation of this committee without pre-conditions. It is prepared to use the conclusions drawn and recommendations made by the committee as the starting point for any further decisions made in relation to the Project. The Czechoslovak Party is awaiting a similar declaration by the Republic of Hungary. In keeping with the contents of the letter written by the Vice-President of the European Community Commission, F. Andriessen, dated 13 April 1992, I propose that the Foreign Ministers of our Governments turn to the European Community and request that the Community nominate specialists to participate in the expert committee. Please find appended the draft of such a letter.

At present, when technology and conditions related to the nature of the Danube limit the time we have to arrive at a decision regarding the fate of Gabčíkovo, as one part of a Barrage System, the Czechoslovak Party awaits the Hungarian Party's prompt response on the issue of the creation of a trilateral committee. I take this opportunity to once again be so bold as to bring your attention to the fact that the Nagymaros Barrage is also an integral part of the Barrage System, the further fate of which the two Parties must also deal with.

Dear Mr. Prime Minister!

I would like to assure you that it is in the eminent interests of the Czech and Slovak Federal Republic to prevent the escalation of this entire problem. It is in its interests that the problem which resulted from the Hungarian Party's unilateral steps be resolved objectively, without propaganda campaigns, on the basis of scientifically sound information and in the spirit of the traditionally good and friendly relations between our nations. Both Parties must be prepared to compromise in the interests of a solution which is acceptable to both Parties. The Czechoslovak Party, during the course of negotiations, has declared its willingness to compromise and continues to be ready to seek out the optimal, mutually acceptable solution. At the same time, it expresses the conviction that the negotiations will not be used to win time and to delay the resolution of questions which, due to a series of fundamental ecological, economic and political questions are unbearable.

Please accept my best regards.

Marian Calfa

Appendix
The Honourable
Mr. József Antall,
Prime Minister of the Republic of Hungary,
Budapest.

Annex 80

LETTER FROM MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, TO MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, 11 MAY 1992

11 May 1992 (letter to Minister Mádl)

Dear Mr. Minister!

In reference to our telephone discussion on 8 May 1992 and today I would like to thank you for sending the text of the Government of the Republic of Hungary's resolution of 7 May 1992 terminating the Treaty brought about in 1977 between the Czechoslovak Socialist Republic and the Peoples Republic of Hungary regarding the building and operation of the Gabčíkovo- Nagymaros Barrage System.

At today's extraordinary session the Government of the Slovak Republic dealt with the above mentioned resolution of the Government of the Republic of Hungary. I informed the Government of the Slovak Republic of your invitation to Győr on 13 May.

The Government of the Slovak Republic adopted a resolution the appendix of which is also in a statement. I enclosed both documents in a letter I had sent to you.

It is the opinion of the Government of the Slovak Republic that the continuation of the negotiations with the Hungarian party regarding the problems surrounding the Gabčíkovo- Nagymaros Barrage System is useful and necessary. We emphasise that we are prepared to negotiate with you on a possible modification of the deadline for the diversion of the Danube-by the Czechoslovak party. But we think it would be inappropriate to limit the theme of the negotiations preconditions. The negotiation between the government delegations of the CSFR and the Republic of Hungary on the fulfilment of the 1977 interstate Treaty is even more desirable especially because the proposal of the Commission of the European Communities on the setting up of a trilateral experts Committee should also be dealt with. The plenipotentiary of the CSFR and the authorised government Plenipotentiary, Mr. Kocinger, of the governments of the CSFR and the SR for the building and operation of the Gabčíkovo- Nagymaros Barrage System was commissioned to prepare in concert with his Hungarian colleagues, the documents for the negotiation. I enclosed the letter with which Mr. Kocinger will furnish his Hungarian colleague, Mr. Hajós.

Dear Mr. Minister!

I welcome your proposal for the meeting which I hope will deal with all the relevant questions concerning the building and operation of the Gabčíkovo- Nagymaros Barrage.

Dear Mr. Minister!

I assure you of my deep esteem.

Jan Carnogursky
President of the Government of the Slovak Republic.

Annex 81

LETTER FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO MR. JAN CARNOGURSKY, SLOVAK PRIME MINISTER, 13 MAY 1992

Dr. Ferenc Mádl
Minister Without Portfolio

Jan Carnogursky
President of the Government of the Slovak Republic
Bratislava

Dear Mr. Prime Minister!

I thank you for your letter delivered 12 May 1992. Naturally, the fact that we must continue negotiations in the matter of the Gabčíkovo-Nagymaros Barrage System is unchanged. This is necessary in the interest of negotiating a new treaty after the termination of the 1977 Treaty:

This time as contained in the resolution of the Hungarian Parliament delivered to you on 7 March 1992 and on which you negotiated with Prime Minister József Antall in Prague, we would have discussed the conditions for EC participation during our direct meeting in Győr, and the commencement of trilateral examinations upon the implementation of a moratorium on variant "C", on the basis of which we may arrive at a decision in our interstate dispute.

I am sorry, Mr. Prime Minister, that you were unable to accept our invitation to such a meeting and that you hold negotiations to be worthwhile only according to the conditions outlined in Prime Minister Calfa's letter of 23 April 1992. In this letter, Prime Minister Calfa informed us that work on variant "C" would not be halted and would continue despite the repeated requests of the Hungarian Government. After this, the resolution of the Hungarian Government of 7 May 1992, with which you are familiar, was born, a resolution to which Hungary was forced to resort as a result of the rejections of the Czechoslovak Party. The Hungarian legal document regarding the termination will naturally detail all pertinent elements of the Hungarian position.

I would refer to two things here. The first is the allegation that the Hungarian Party proposed the Győr meeting as an ultimatum. You, Mr. Prime Minister, are well aware of the fact that the Hungarian Government has been requesting such a moratorium for many months. Therefore, because we repeated our request, there can be no mention of ultimatums.

According to the press, the Prague Government takes exception to the fact that the Hungarian Prime Minister did not reply to Prime Minister Calfa's letter of 23 April 1992, and that therefore it has no official knowledge of the Hungarian Government's Resolution of 7 May 1992. To this, please allow me to state that I, as Plenipotentiary of the Hungarian Government, delivered to you, as Plenipotentiary of the Czech and Slovak Government, the text of the Hungarian Government Resolution. The Hungarian legal document containing the termination of the Treaty, justified in detail, will shortly be delivered to Prime Minister Calfa by the Hungarian Government, and will serve as a reply to Prime Minister Calfa's letter. In relation to this, I would remind you that Prime Minister Calfa replied to the Hungarian Prime Minister's letter of 26 February 1992 on 23 April.

Dear Mr. Prime Minister, please accept my expressions of regard.

Budapest, 13 May 1992.

Ferenc Mádl

Annex 82

HUNGARIAN DECLARATION ON THE TERMINATION OF THE 1977 TREATY, SIGNED BY MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, BUDAPEST, 16 MAY 1992, WITH COVERING LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. MARIAN CALFA, CZECHOSLOVAK PRIME MINISTER, 19 MAY 1992

To Mr. Marian Calfa
President of the Government of the
Czech and Slovak Federal Republic
Prague

Budapest, 19 May 1992

Dear Mr. Prime Minister!

It is with disappointment that I was informed, by your letter dated 23 April 1992, that the Government of the Czech and Slovak Federal Republic does not intend to suspend unilateral and unlawful work related to the so-call provisional solution aimed at the diversion of the Danube. A similar feeling is expressed in the appendix to your letter, which contained a planned joint response to the European Community's offer of co-operation.

I am forced to determine that the Federal Government did not agree with the Hungarian Government's several requests that work on the provisional solution be suspended by the Czecho-Slovak Party during the course of professional studies. We find it unacceptable that our negotiating partner is creating a finalised situation by way of unlawful work during the course of negotiations.

A study of your letter led the Hungarian Government to conclude at its meeting of 7 May 1992 that the Czechoslovak and was unwilling to fully accept the conditions set for co-operation by the European Communities in an effort to promote a common agreement, thus jeopardising a promising opportunity for negotiations seeking joint action. Therefore, the Government of the Republic of Hungary passed a Decision as to the termination of the 1977 Interstate Treaty Regarding the Gabčíkovo-Nagymaros Barrage System, effective 25 May.

Led by an intention of joint co-operation and in the constructive atmosphere of the Visegrád Three's summit conference in Prague on 6 May, it was with understanding and trust that I accepted the oral suggestion made by Mr. Jan Carnogursky, who knows the position of the Hungarian Government in detail and the Plenipotentiary of the Federal Government responsible for the Gabčíkovo-Nagymaros Barrage System issue that we attempt, in the presence of representatives of the European Community, to resolve the conditions for their assistance which are being questioned. We were forced to doubt the seriousness of this intention after our repeated suggestions for negotiation and when Mr. Jan Carnogursky communicated to us in writing that he was willing to conduct negotiations solely on basis of the conditions set forth in your letter of 23 April. To strengthen this, the Government of the Slovak Republic passed a Resolution during its extraordinary meeting of 11 May.

After all of this, was with renewed hopes for joint action that I received the Federal Government's statement to the press, made after its meeting of 14 May [1992], envisaging a suspension of ocnstruction, intended as a temporary solution during the activity of the Trilateral Expert Committee. Again, however, I had to note with disappointment the official communication, which made no reference to a readiness for a suspension of construction. That had definitely put an end, as it were, to our attempts to reach a common agreement regarding the 1977 inter-state Treaty, even though the Hungarian Negotiating Partner was willing to conduct negotiations aimed at the suspension of work on the provisional solution and creation of a trilateral professional commission, as well as to obligate itself to accept the recommendations of the trilateral professional commission.

In this manner, in accordance with the Resolution of the Parliament, the Government of the Republic of Hungary is forced to unilaterally terminate the Interstate Treaty of 1977 Regarding the Gabčíkovo-Nagymaros Barrage System and all agreements related to the execution of the same. The justifications for this step are detailed in my Government's Declaration.

In relation to this, I would like to inform you that the Government of the Republic of Hungary has ceased all acts and work of any kind related to the Treaty in question and expects the Federal Government to likewise take the necessary measures for the cessation of all work and implementation related to the Barrage System without delay.

Dear Mr. Prime Minister!

I sincerely hope that regardless of the decision of the Government of the Republic of Hungary as announced above, the promising development of co-operation between our nations in other areas of our bilateral relations will continue and that the conflict emerging as a result of the Barrage question will not have an unfavourable effect upon regional co-operation.

In the spirit of the aforementioned, I would like to emphasise that the Government of the Republic of Hungary is prepared to conduct negotiations as to the settlement of the consequences of the termination of the Interstate Treaty of 1977 and the resolution of the region's ecological, flood defence and navigation problems.

I trust that this initiative will meet with the earliest possible agreement of the Federal Government.

Please accept my sincere esteem.

With appreciation,

József Antall

DECLARATION

**of the Government of the Republic of Hungary
on the Termination of the Treaty
Concluded Between the People's Republic of Hungary
and the Socialist Republic of Czechoslovakia
on the Construction and Joint Operation
of the Gabčíkovo-Nagymaros Barrage System,
Signed in Budapest on 16 September 1977**

Handed over, accompanying a note verbal, to the Embassy of the
Czech and Slovak Federal Republic in Budapest on the 19th May 1992.

DECLARATION

**of the Government of the Republic of Hungary
on the Termination of the Treaty
Concluded Between the People's Republic of Hungary
and the Socialist Republic of Czechoslovakia
on the Construction and Joint Operation
of the Gabčíkovo-Nagymaros Barrage System,
Signed in Budapest on 16 September 1977**

The Government of the Republic of Hungary, according to the resolution of the Hungarian Parliament of 24 March 1992 and taking into account the rules of international law, terminates the Treaty Between the People's Republic of Hungary and the Socialist Republic of Czechoslovakia on the Construction and Joint Operation of the Gabčíkovo-Nagymaros Barrage System, signed in Budapest on 16 September 1977, modified by the Protocol signed in Prague on 10 October 1983, including all related agreements specified in its Annex, as from 25 May 1992.

The Government of the Republic of Hungary has been compelled to doing so for the following main reasons:

- Hungary cannot accept
 - that the population of the region suffers from the consequences of the functioning of a barrage system planned without professional and public control,
 - that irreversible damage afflicts the ecological and environmental resources of the region, first of all the presently available and potential drinking water reserves of millions of people,
 - that degradation and, in certain cases, extinction threaten the vegetation and fauna of the region,
 - that serious damage afflicts unique landscapes,

-- that imminent catastrophe threatens the population due to barrages and dykes of insufficient stability as a consequence of shortcomings of research and planning.

- The Government of the Republic of Hungary cannot accept the fact that the Government of the Czech and Slovak Federal Republic continues the construction of the so-called provisional solution, thus causing practically as serious a danger as it would happen by the realization of the original plans of the Gabčíkovo power station. With this behaviour, the Czech and Slovak Party has made it impossible - despite the efforts made on the Hungarian side - that a trilateral special committee, including the representatives of the European Communities, begin its work.

- In the opinion of the Hungarian Party the so-called provisional solution infringes numerous international agreements and does violate the territorial integrity of the Hungarian State by diverting the natural course of the Danube.

I.

ANTECEDENTS OF THE TERMINATION OF THE TREATY**Antecedents of the Conclusion of the Treaty**

1. In April 1963, government committees of the Peoples's Republic of Hungary and the Socialist Republic of Czechoslovakia agreed to draw up a joint investment programme in order to realize the Gabcikovo-Nagymaros Barrage System. The final scheme of the project was finished in 1973. It was accepted by the Government of the Socialist Republic of Czechoslovakia in January 1974 and by the Government of the People's Republic of Hungary in February 1974. Permission to preparatory work of the project was granted at the same time. First a so-called Joint Agreed Plan was drafted which became an inter-governmental agreement on 6 May 1976.

According to the Joint Agreed Plan, the goal of the construction of the Gabcikovo-Nagymaros Barrage System was the complex utilisation of the Danube

- for the production of electric power,
- for international inland navigation,
- for the management of water supplies,
- for the economic development of neighbouring regions.

The Joint Agreed Plan admitted that the maximum energy production of the Gabcikovo-Nagymaros Barrage System could supply only a small part of the demand in both countries but stated that as a power station in a peak-load operational mode could play an important role.

Since it had been known for a long time that the operation of such a type of hydroelectric power plants on lowlands involves serious ecological consequences, the Joint Agreed Plan laid down the necessity of complex investigations on the environmental effects of the system. According to the inter-governmental agreement that put the Joint Agreed Plan into force, the Czechoslovak State became the responsible Party for this task.

Signing and Modification of the Treaty

2. The prime ministers of the People's Republic of Hungary and the Socialist Republic of Czechoslovakia signed the Treaty on the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System in Budapest, on 16 September 1977. The exchange of ratifications took place in Prague on 30 June 1978. At the same time, the two Parties concluded an Agreement on their mutual assistance during the construction of the Gabčíkovo-Nagymaros Barrage System. This Agreement provided particulars on the time schedule of the construction, work assumed on each side and quotas of the electric power to be produced until 1989. The contracting Parties engaged themselves to put the power generators into operation between 1986 and 1990.

3. After signing the 1977 Treaty, due to the economic difficulties arising simultaneously in both countries, the two Parties started inter-governmental negotiations in 1981, considering a significant postponement or even a possible renouncement of the project. Finally the Parties modified the 1977 Treaty by signing a Protocol in Prague on 10 October 1983. They decided to postpone the operation of the power generators by 5 years. Accordingly, they signed also another Protocol on the modification of the Agreement that regulated the mutual assistance. They put the final deadline of the construction work to 1995. This Agreement was modified once more in Budapest on 6 February 1989, then the final deadline was changed to 1994. This last modification of the Agreement on the mutual assistance did not involve the modification of the 1977 Treaty.

4. During the years when the programme and plans were established, the public opinion's attention was more and more focused on the protection of environmental and natural resources. This was manifested particularly by the Declaration accepted at the UN Conference on the Human Environment in Stockholm, 1972, by the World Charter on Nature accepted at the General Assembly in 1982, and by the document of the UN World Commission on Environment and Development ('Brundtland Report'). This change of approaches in the public opinion brought about a reevaluation of environmental and other values not measurable in economic terms, as well as the acceptance of the key idea of sustainable development as basic principle of the management of natural resources. At the same time the world has seen a decreasing prestige of technologies with low efficiency in energy and raw-material consumption, which also implied the reassessment of the basic conceptions of energy production. In

the years of the emerging need for changing the political regime, the Hungarian society changed also its attitude towards environment by its growing environmental consciousness and by acknowledging the ecological priorities. This led to the reevaluation of the goals of the Gabčíkovo-Nagymaros Barrage System.

5. The necessity of a scientific investigation of the environmental effects arose in Hungary at the time of the re-examination of the Gabčíkovo-Nagymaros Barrage System in 1981. At the request of the Central Committee of the Hungarian Socialist Workers' Party, the Hungarian Academy of Sciences set up an ad hoc committee to investigate the scientifically contested problems of the Gabčíkovo-Nagymaros Barrage System.

The report of the ad hoc committee, compiled from technical, agricultural, hydrotechnical, transport, economic, environmental and resettlement studies, was approved by the Presidium of the Academy in a statement of December 1983. The statement said: "The Joint Agreed Plan did not consider in any comprehensive way the ecological effects and consequences of the Gabčíkovo-Nagymaros Barrage System. No assessment has been made of the technical, ecological, economic risks of the project as a coherent and interactive system. On the basis of the enumerated and other factors, the Presidium of the Hungarian Academy of Sciences considered it justified and, at least reasonable to postpone significantly the construction work, to make changes in the plans, or rather to cancel the construction once for all." It was characteristic for the political circumstances at that time, that the statement was completely neglected by the government and by party officials and its publication was simply prohibited.

6. By the mid-eighties it became evident that the construction of the Nagymaros dam exceeded the possibilities of Hungary both in financial and technological terms. Therefore the Hungarian investor concluded a private contract with an Austrian company for financing and accomplishment of the construction. The dam at Dunakiliti was built mainly by Austrian companies, financed from Austrian bank loans. The dredging of the downstream channel was made by a Yugoslavian company on the basis of another private contract.

Antecedents of the Suspension of the Construction

7. When the dam construction at Nagymaros started, the Hungarian Parliament made inquiries about the Gabčíkovo-Nagymaros Barrage System and the contested ecological and environmental problems. Following a government report, the Parliament passed a resolution on 7 October 1988 about the continuation of the construction on the condition of observing strict rules of environment protection. According to the resolution, "The ecological risks must be minimized, therefore the ecological interests must have priority over the economic interests during construction as well as during operation. The fundamental principle of the operation must be that the quality of the water of the river must not deteriorate. The peak-load operation must not begin before building sewage farms on both sides which is necessary for the safe operation of the barrage system, free of environmental risks."

8. In accordance with the resolution of the Parliament, the review of the construction programme continued in 1988 and 1989. A great number of serious insufficiencies were discovered in the preparatory work carried out in the 70's, e.g. the lack of a detailed geological and seismological survey necessary for construction planning, the lack of an established hydrogeological model and the lack of hydrobiological and water quality studies. To allow sufficient additional time for detailed investigations, it seemed inevitable to postpone every irreversible construction work. This was also recommended by an US expert board, 'Ecologia' (University of Massachusetts), which prepared a report at the request of the Hungarian government in March 1989.

Suspending the Construction

9. The Hungarian government suspended the construction at Nagymaros on 13 May 1989. The Hungarian prime minister informed the Czechoslovak prime minister several days later, on 24 May, proposing further studies and a joint analysis of the ecological risks arising from the operation of the Gabčíkovo-Nagymaros Barrage System.

10. On 2 June 1989, the Hungarian Parliament approved the resolution of the government of 13 May, and stated that "further investigations were necessary on the conditions and consequences of the construction." At the same time, the Parliament authorized the government "to enter into preliminary negotiations with the Czechoslovak Party about the conditions and possible consequences of the modification of the 1977 Treaty, should this be required by the results of investigations carried out during the suspension."

11. Through diplomatic channels, on 26 June 1989, the Hungarian Party submitted the summary of findings that had been prepared by the ad hoc committee of the Hungarian Academy of Sciences in June 1989 about the technological-scientific reasons leading to suspension. The reply of the Czechoslovak government commissioner, which claimed the findings unfounded, was handed over to the Hungarian Party on 14 July 1989. (It is worth mentioning that the Czechoslovak government has submitted only two written expert analyses during the three years of the dispute. The second one was handed over in July 1991.)

Between 17 and 19 July 1989 a Hungarian-Czechoslovak expert conference was held in Budapest on ecology, hydrology, geology, seismology, pedology and agricultural production. The records of the meeting showed that the participants agreed on considering the Gabčíkovo-Nagymaros Barrage System as an immense intervention in nature which affects invaluable ecological resources. Mutual consent was recorded in the protection of drinking water reserves: "It is of vital interest to keep undisturbed water supply from the Danube terrace concerned. This is the water supply of 3 million (or, in the long run, 5 million) people in Hungary and 5 million people in Czechoslovakia." The disagreement between the two countries appeared in the way they wanted to preserve the natural resources: the Czechoslovak experts considered that subsequent technical corrections would be sufficient for this purpose while the Hungarian Party did not accept this concept.

The same kind of agreement and disagreement were seen at the expert conference held in Bratislava between 25 and 27 September 1989. The final joint statement laid down: "The quality of the underground water reserves should by all means be protected for the purpose of drinking water supply. All necessary measures have to be done in order to neutralize the menace on the self-cleaning capacity of the Danube water." The dissenting opinion of the Hungarian experts was recorded as follows: "We do not agree with the opinion of the Czechoslovak delegation that the majority of the problems could be solved after accomplishing the construction of the barrage system and filling up the Dunakiliti-Hrusov reservoir. The possible alternatives are unknown in many cases, therefore it is extremely dangerous to carry out 'experiments' in nature.

We consider it as a proven fact that the functioning of the Dunakiliti-Hrusov reservoir would result in a disadvantageous change in the trophity index, namely in a multiplication of the algal biomass."

12. The two prime ministers met again in Budapest on 20 July 1989. The Hungarian prime minister announced the prolonged suspension of the Nagymaros construction until 31 October 1989, and the suspension of the work at Dunakiliti till the same date. The reason for this decision was that, according to the re-examination of the project, the Dunakiliti reservoir implied serious environmental risks even in the continuous operational mode. (The reservoir had originally been planned to serve in a peak-load mode.) The Hungarian prime minister offered alternatives for the joint revision: suspension of the construction work for 1 or for 3 to 5 years. Among the possible alternatives, there was a proposal for the definitive abandonment of the barrage system.

The Czechoslovak Party refused the Hungarian proposals, first in an aide memoire of 25 July 1989, then in a diplomatic note of 18 August 1989. This was also the content of the letter of the Czechoslovak prime minister of 31 August 1989, in which he gave notice of the possible provisional solution, i.e. diverting the Danube on Czechoslovak territory, in case the Hungarian Party suspended the construction for a long time or for ever.

In his reply on 4 October 1989, the Hungarian prime minister expressed his protest against the provisional solution, noting that it would be irreconcilable with the norms of international law. At the same time he noted that, in accordance with the results of expert investigations, the Hungarian government would initiate negotiations on the modification of the bilateral Treaty with the proposition of abandoning the peak-load operational mode and, consequently, the Nagymaros power plant.

The official positions did not come closer at the next meeting of the prime ministers in Bratislava on 26 October 1989. The Czechoslovak prime minister outlined the prospect of recurring to the provisional solution. The Hungarian prime minister protested against it and stressed that the behaviour of the two Parties was not regulated solely by the 1977 Treaty but also by the general international rules of environment protection. In case of ecological danger, international law requires the suspension of work on both sides, starting negotiations, and the modification of the treaty in order to keep the ecological consequences at a tolerable level.

13. On the basis of a government report that summarized the results of technical and scientific investigations carried out during the suspension, the Hungarian Parliament took a stand on 31 October 1989 on abandoning the peak-load operational mode and, consequently, abandoning the Nagymaros power station, too. The resolution considered it necessary to continue the investigations about the ecological risks and to conclude a new inter-governmental agreement on the ecological guarantees, prior to putting the Gabčíkovo plant into operation. The Hungarian government was authorized to propose the Czechoslovak Party a modification of the Treaty in this sense. The Hungarian Ministry of Foreign Affairs indicated the intention of modifying the Treaty in a memorandum of 3 November 1989. The Hungarian proposal was handed over to the Czechoslovak Party in an Annex of the memorandum on 30 November 1989. The government of the Socialist Republic of Czechoslovakia never replied to this proposal.

14. As to the work done by Austrian and Yugoslavian companies, the related private contracts were terminated in November 1989 and June 1990, respectively. The parties agreed on the financial consequences of the termination.

15. The Hungarian Party hoped that the new Prague government, following the historical changes, would take a new stand on the debated questions in accordance with earlier declarations of prominent personalities who had condemned the Gabčíkovo-Nagymaros Barrage System. Therefore, in his letter of 10 January 1990, the Hungarian prime minister did not propose any discussion on the modification of the Treaty, but recommended joint investigations on the ecological effects of the Gabčíkovo dam. He announced that Hungary would suspend all construction work for the time of the investigations and recommended to do the same on the Czechoslovak side. He considered it desirable that the final decisions be made by the new governments after the free elections in both countries. The Czechoslovak prime minister refused the Hungarian proposals in his reply in February. In a next letter of 6 March 1990, the Hungarian prime minister expressed his regret that the Czechoslovak Party was unwilling to begin common investigations, and recommended even more explicitly the suspension of the construction work on the Czechoslovak side.

Inter-Governmental Negotiations on the 1977 Treaty in the Years 1991-1992

16. After the change of the political regime, the new Hungarian government published his general political programme on 22 May 1990. The programme announced among others that "The government, on the ground of the experts' opinion, considers the construction of the Danube Barrage System as a mistaken project, and will initiate, as soon as possible, negotiations on the rehabilitation and the sharing of the damages with the Czechoslovak government to be elected." At a meeting in Győr on 31 May 1990 the Hungarian government commissioner handed over to his Czechoslovak counterpart details of the government programme related to the Gabčíkovo-Nagymaros Barrage System.

17. After the political changes in both countries, inter-governmental negotiations were started again in April 1991. Prior to that, the government commissioners met in Bratislava on 9 January 1991 where the Hungarian Party, at his partner's request, handed over the report prepared by the experts of the Hungarian Academy of Sciences in December 1990 about the ecological--environmental risks of the barrage system, together with a study made by an expert group of the World Wide Fund for Nature. (This latter work was requested by the Hungarian government in summer 1989.)

18. In a resolution made on 16 April 1991, the Hungarian Parliament authorized the government to enter into negotiations with the Czech and Slovak government on the termination of the 1977 Treaty by agreement as well as on the preparation of a new treaty. This latter should settle all consequences arising from the abandonment of the Gabčíkovo-Nagymaros Barrage System, by observing the priority of ecological aspects.

19. On 22 April 1991, the two Parties met again at inter-governmental level in order to discuss the official standpoints of their governments. The standpoints differed significantly. The Hungarian Party stressed the principle of the protection of natural conditions of human life and human communities as well as the maintenance of friendship and cooperation of the two nations. The functioning of the Gabčíkovo-Nagymaros Barrage System would trigger irreversible and damaging ecological processes with serious environmental consequences on the territory of both countries. According to the

Hungarian Party this fact had gained high certainty during the time of suspension of the construction. Thus, the termination of the 1977 Treaty by mutual consent would serve the interests of both nations. The Hungarian Party proposed the conclusion of a new treaty on the ecological rehabilitation of the region, the protection of drinking water, flood control and development of inland navigation. The Hungarian Party requested to suspend, by mutual consent, all further construction work until the conclusion of the new treaty. The Hungarian Party handed over the written opinion of the Academy of Sciences on the ecological--environmental effects of the Gabčíkovo power plant, a scheme outlining the main elements of the new treaty and a proposal for cooperation in the field of energy production, observing environmental priorities.

The Czech and Slovak Party, admitting the importance of ecological aspects, stressed its determination to accomplish the construction according to the original Treaty. Judging the environmental damages avoidable by additional technical interventions, it proposed to set up joint working groups for studying the problems where the two Parties had different standpoints. It did not see any possibility to suspend the construction, claiming that the Gabčíkovo plant was complete up to 90 per cent. The Czech and Slovak Party did not present any written documents.

The two Parties agreed to inform their own Parliaments and governments about the negotiations. They expressed their wish that the two Academies continue the investigations related to the barrage system in the framework of their existing cooperation. Both Parties regarded it necessary to continue the negotiations.

20. The next meeting took place in Bratislava on 15 July 1991. The Hungarian Party repeated its standpoint based on the priority of ecological--environmental aspects. Prior to the negotiations, the Czech and Slovak Party handed over to the Hungarian Party the opinion of its delegation on the report of the Hungarian Academy of Sciences. The opinion maintained that the specified dangers could be avoided by technical interventions. The Hungarian Party pointed out that the Czech and Slovak viewpoint ignored the long-term ecological effects, e.g. the risk menacing the underground water reserve, the biggest one in Central Europe. The Hungarian experts were unaware of any Czech and Slovak appraisal proving that no ecological damages could be expected in the long run.

The Czech and Slovak Party expressed again its intention to put the Gabčíkovo plant into operation. It regarded the existing results of investigations sufficient to evaluate the effects arising from all possible operational variants of the Gabčíkovo power plant. They proposed to set up a trilateral (Hungarian,

Czech and Slovak and EC) expert Committee which could prepare a proposal to the governments within several months, specifying a technical solution for the operation of the Gabčíkovo power plant. They noted that, failing to agree on the issue, the unilateral solution, i.e. putting the Gabčíkovo plant into operation by construction work made exclusively on Czech and Slovak territory, could be realized. The Hungarian Party replied that this solution, by diverting the Danube unilaterally, would seriously violate the territorial integrity of the Hungarian State and a number of rules of international law. The Hungarian Party proposed a bilateral (Hungarian and Czech and Slovak) committee for the assessment of ecological risks, requesting at the same time the cancellation of work on Czech and Slovak territory.

21. The next inter-governmental meeting took place in Budapest, on 2 December 1991. The delegations agreed that the Gabčíkovo-Nagymaros Barrage System constituted a complex technical-scientific problem and it was reasonable to set up a joint expert Committee for reviewing the whole question. Both Parties had prepared proposals for the mandate and tasks of the Committee. The Hungarian Party accepted the Czech and Slovak proposal to complement the Committee with the experts of a third party, the European Communities. The Hungarian delegation pointed out that the goal of the work of the Committee would be to prepare a well-established common decision. Therefore, the committee's activity has no sense if the Czech and Slovak Party continues the work aiming at the so-called provisional solution, i.e. diverting the Danube. The head of the Czech and Slovak delegation declared, however, that the suspension of the construction, even temporarily, was out of question.

The head of the Czech and Slovak delegation, in a letter sent to the head of the Hungarian delegation on 18 December 1991, confirmed the above Czech and Slovak standpoint. He stressed that the only solution he could accept should contain the functioning of the Gabčíkovo power plant.

22. On 19 December 1991, the Hungarian prime minister addressed a letter to the Czech and Slovak prime minister expressing his concerns that the chances of setting up the planned joint Committee were very little. He pointed out that the establishment of such a Committee would only be reasonable if both Parties agreed to take into account the experts' opinion in their future decisions. The simultaneous realization of the provisional solution, he stressed, would put improper pressure on the experts by suggesting the irreversibility of the construction. Under such circumstances the Hungarian government would be compelled to consider the fate of the 1977 Treaty and the necessary counter-measures.

In a reply of 23 January 1992, the Czech and Slovak prime minister asserted that his government was ready to take into account the committee's conclusions but not to suspend the work of the provisional solution. He wrote: "If these conclusions and the trial operation of the Gabčíkovo plant prove that the harmful ecological consequences are higher than the expected benefits, the Czech and Slovak Party will be ready to cancel the work on the provisional solution."

23. On 14 February 1992, the Hungarian Ministry of Foreign Affairs protested at the Czech and Slovak Party in a verbal note against the unilateral construction work that had been started to divert the Danube. In a reply note of 18 March 1992, the Czech and Slovak Ministry of Foreign Affairs refused the protest.

24. On 26 February 1992, the Hungarian prime minister sent another letter to the Czech and Slovak prime minister. He pointed out that the Czech and Slovak Party had not presented any expert opinion proving that the possible damages and risks described by the Hungarian experts were implausible. The prime minister confirmed that the Hungarian Party accepted the establishment of a trilateral Committee. This body, however, could not be set up while construction work of the unilateral provisional solution were in progress. Repeating that the diversion of the Danube violated seriously the rules of international law, the Hungarian prime minister warned that the behaviour of the Czech and Slovak government would compel the Hungarian Party to terminate the Treaty.

According to the contents of the prime minister's letter, the Hungarian government contacted the Commission of the European Communities. In a letter addressed to the foreign ministers of the two countries on 13 April 1992, the vice-president of the Commission expressed the readiness of the Commission to take part in the resolution of the dispute. However, he laid down the condition that both countries refrain from steps that could influence or anticipate the future conclusion of the trilateral committee.

In a reply letter of 23 April 1992, the Czech and Slovak prime minister called the Hungarian request aiming at the cancellation of unilateral construction work as "ultimatum". He announced that the Czech and Slovak Party would not suspend but continue the work of the provisional solution. He indicated 31 October 1992, as the final deadline of the accomplishment of the provisional solution, i.e. the diversion of the Danube. Thus the Czech and Slovak Party made it impossible to set up the trilateral Committee.

On 8 May 1992, the Hungarian government proposed further negotiations to the head of the Czech and Slovak delegation in order to start the trilateral investigations with a simultaneous moratorium on the provisional solution. The investigations could lead to the resolution of the dispute by mutual consent. The head of the Czech and Slovak delegation refused this proposal, maintaining that the Czech and Slovak Party was unwilling to suspend the work of the provisional solution. As to other questions, i.e. the date of damming-up the Danube, he would be ready to negotiate.

25. It is clear from the foregoing that the Hungarian Party has tried again and again to reach a mutual agreement since 1989, for more than three years, but met a permanent and consequent refusal on the Czech and Slovak side at every occasion. The Hungarian Party presented numerous expert opinions on the serious environmental risks and irreversible damages arising from the operation of the Gabčíkovo-Nagymaros Barrage System. The Czech and Slovak Party regarded these opinions unfounded, although without detailed analysis, and did not present any result that could prove the lack of danger. Finally, the Hungarian Party tried to call the attention of the Czech and Slovak government in vain to the fact that the diversion of the Danube would seriously violate the norms of international law. Its legal arguments met the same refusal as the efforts aiming at the mutual recognition of ecological risks.

II.

**ECOLOGICAL-ENVIRONMENTAL RISKS OF
THE GABCIKOVO-NAGYMAROS BARRAGE SYSTEM**

During the long-lasting period of planning the Gabčíkovo- Nagymaros Barrage System, fundamental research and investigations were neglected and not carried out. The program and plans were prepared without the invitation and participation of institutions that would have been competent in the problems to be solved.

The construction of the Gabčíkovo-Nagymaros Barrage System approaching the stage when the natural environment was to undergo profound changes, several prognostic schemes and environmental risk assessments were compiled by the experts of such questions, although official demand had never been expressed to this goal before the end of the 80's. These schemes were sufficiently precise to show the dimensions of the natural resources involved, and called attention to the serious danger caused by the construction. However, presentation of the risks in their exact form was not possible due to the lack of investigations that would have been fundamental during the planning and early constructions.

In the recent past, admittedly with a long time lost, the Hungarian Party started the assessment of environmental conditions and the solution of some modelling problems along the common Hungarian - Czech and Slovak section of the Danube. Thus, the most urgent tasks of environment protection and water management will have enough ground to be planned on.

Three times since the suspension of construction, the Hungarian Party handed over to his partner summaries prepared by institutions investigating the environmental risks of the Gabčíkovo-Nagymaros Barrage System. Hungary urged joint research and investigations. On the other hand, the Czech and Slovak Party has never presented results that would prove the risks to be under a tolerable level.

It is regrettable that the radical differences of viewpoints apparent in official opinions of the two parties still prevent the technical-scientific discussions from being started. Without this, the problems of the region are not likely to find solution.

Geological and geophysical risks

1. From the point of view of geology, the greatest risk is the lack of detailed knowledge of the area: in such circumstances a number of preparatory and planning tasks (environmental impact assessment, technical planning) cannot reach grounded results. Safe prognosis can be made only on the basis of systematic studies revealing the background geological conditions.

2. The planning of the Danube dams was not preceded by a detailed geological survey of the region. A serious mistake is that there was no structure-exploring deep drilling in the impact area of the dams. The insufficiencies of planning are well demonstrated by the fact that the contractors did not even have the necessary permit of the geological authorities.

3. A further problem is that the research results obtained separately in Hungary and Czech and Slovak Republic have never been integrated. For example, the so-called Gabčíkovo fault line discovered in Slovak territory has not been traced further in Hungary. This fault was the reason why the site of the Gabčíkovo dam was changed in the early 70's, although by not more than 600 m with respect to the original plan. Thus, as is admitted by a Slovak expertise, this dam has been built in the neighbourhood of a geologically young fault.

4. The most important element of the deep structure in the impact area of the Gabčíkovo dam is the Rába line, the border of the Alpine and Transdanubian tectonic units. Its position is highly uncertain, at present it can be traced in two alternative variants. Structural exploration by means of drillings in the young sediment has not been carried out; satellite photos which may be evaluated in numerous possible ways do not allow to form a unanimous and profound opinion. In the structure of the neogene sediments listric and other fault planes can be found by the analysis of seismic profiles. Consequently, clear structural view cannot be constructed yet.

5. Another set of problems concerns the seismology of the area of the Gabčíkovo-Nagymaros Barrage System. The seismicity values of the Joint Agreed Plan cannot be accepted; the seismicity problem cannot be answered with a reliability required by international norms since the necessary studies are missing. The seriousness of the problem is shown by the fact that the expected intensity estimated for the Dunakiliti area from historic quakes is 8.7-9.0 MSK at the usual security threshold, while the original plans were prepared by assuming 6.0 MCS.

6. The sizing of the embankment is an especially grave problem among the uncertainties of planning, owing again to insufficiencies of prior investigations. The weakest point of the Dunakiliti reservoir is the embankment: it is the largest structure regarding its volume but it is also the most heterogeneous one in its size, structural constitution, material and quality. One of the most important pieces of information obtained from the geophysical analysis of the Dunakiliti reservoir on the Hungarian side (1991) is that high-resistivity gravelly structures - ancient riverbeds - have been found beneath the embankment at several places. This was not explored earlier. Examples from the past show that this structure can lead to a breach in the embankment and, subsequently, to serious flood. The stability of certain parts of the embankment cannot be considered safe against earthquakes that are likely here. The same applies to the stability of the banks higher than 7 m, as they are not sufficiently safe against sliding. On the contact surface between the base and the body of the embankment, soil liquefaction can occur.

Security tests along the Dunakiliti reservoir show that the safety characteristics of the embankment do not fit the international standard norms. The risk level taken into consideration in the plans applies only to common buildings where environmental effects can be excluded.

Effects influencing the ground water

The environmental and ecological consequences of the Gabčíkovo dam will follow from the hydrological and hydraulic changes and from the pollution of water. These phenomena will accumulate and amplify each other, their interaction may give rise to further effects.

For the prediction of the resulting damage it is to be taken into account that the self-inducing effect of the changing environmental conditions will

manifest itself slowly, and partly in a hidden manner, at least in some aspects of the changing ecological system. Thus the conclusions drawn from short-period model studies may be highly uncertain and unrealistic.

There is a group of damages and drawbacks that are proven unambiguously, further ones supported by field data but not fully verified, and a last group which has not been studied yet but is very probable.

7. It is right in the area of the Danube affected by the Gabčíkovo-Nagymaros Barrage System where the most important drinking water reserves of both Hungary and Czech and Slovak Republic can be found. 45% of Hungary's drinking water supply comes from percolated water in the area of the Gabčíkovo-Nagymaros Barrage System, providing e.g. Budapest with drinking and industrial water for more than a century. A similar system serves the water supply of Bratislava. The relevant part of percolation and natural filtering occurs in the uppermost layer of the riverbed, some centimetres thick. It is therefore highly necessary to maintain the conditions that preserve the original state of this biologically active layer providing physico-chemical filtering.

8. It is again the filtering capacity of the riverbed that determines the quantity and quality of the water stored in the alluvial cone of Csallóköz--Szigetköz, a gravel layer several hundred metres thick. Fortunately enough this water reserve, which is permanently refreshed from the Danube, has not been disturbed in the course of the construction activities related to the Gabčíkovo--Nagymaros Barrage System. Thus both countries have riverbeds of great length, Hungary about 40 km and Slovakia more than 70 km, that can be used later for water supply, according to detailed water quality and hydrogeochemical analyses. On the Hungarian side, this means a capacity of 1 million m³/day permanent drinking water supply - the average need of the Hungarian capital -, while in Slovakia this amounts to 2 million m³/day.

9. As a result of the operation of the barrage, fundamental changes will occur in the area of the Dunakiliti reservoir. The basic problem will be caused by the deposition of polluted silt, with its anaerobic dynamics, iron and manganese mobilization, and infiltration of toxic organic materials. This silt would mean a permanent source of viral contamination.

10. Because of the specific hydrogeological situation of Szigetköz, the toxic materials will pollute the ground water reserves within some tens of years. Moreover, since periodic dredging is planned for the removal of accumulating

silt, this will not only be harmful to the quality of the surface water but, by destroying the filter layer, it will allow organic micropollutants and microbes to reach the ground water level. The channel system, planned to counterbalance the deepening water table (ground water level) along the Old-Danube under the Dunakiliti dam, will result in the pollution and loss of stored water depending on the quality of the inlet water and the state of the colmatated river branches. The degree of this pollution and loss can be estimated only very roughly, due to the lack of detailed long-period hydrological and water quality studies.

To preserve the role of the riverbed in filtering and decomposing the toxic organic matter, the present dynamics of the Danube should be maintained. Without this, the required oxygen supply, the self-purifying capacity of the Danube water and the regular renewal of the filtering bed surface cannot be guaranteed.

It is to be noted that the conclusions of the Hungarian experts concerning ground water are identical to those found in the February 1990 report of the Slovak scientists. As to the missing investigations, similar conclusions were obtained by the Hydroquebec Company: this Canadian firm was requested by the Slovak government to form an opinion in the fall of 1990.

The water table will rise around the reservoir owing to the damming-up and to the change in the riverbed, while it will sink around the Old-Danube and the power canal due to the decrease of natural infiltration from the main branch.

11. Where the water table is lowered, mineralization of the vegetation remains is accelerated; the organic material content of the soil is diminished; deterioration of the soil structure and the eluviation of nutrients grows dangerous. Where the operation of the barrage lowers the ground water level from the fine surface layer down to the gravel, capillary water supply of the root zone is stopped. As a result, the crop of cultivated plants is reduced considerably and becomes uncertain; drought-resistance is weakened; water supply of the forests in the inundation area changes unfavourably; now contiguous ecosystems become isolated patches with a reduced production of organic material. (As is testified by the Upper-Rhine dams, a 50 cm lowering of the water table results in a 50% loss of crop.)

12. Where the water table is raised, air ventilation of the soil is diminished and anaerobic processes become predominant; there is a growing danger of inland waters; secondary sodification can occur in areas with bad natural drainage conditions, especially on the left bank of the Danube, east of the mouth of the river Vág. (Several years after damming up the river Tisza at the

Tisza II barrage in Hungary, the surrounding agricultural area became a marshland and a dramatic loss of crop resulted on many thousands of hectares. This process could not be counterbalanced, therefore the gold crown value of these lands was halved by the authorities.)

Effects on the surface waters

13. The Dunakiliti reservoir, after being filled up, will be the scene of unambiguous water quality deterioration. The reproduction of phytoplankton, which plays a key role in the material exchange of the Danube water, is now hindered by two factors: the flow speed and the quantity of light. (The nutrient surplus is already considerable.) As a consequence of the damming-up, the water speed in the reservoir will slow down, stagnant bays will form, the sedimentation rate will shoot up (the deposition of 3-5 million m³/year suspended material is estimated) and the ground water surface will rise due to the initial infiltration surplus. Since the flow speed will slow down and the water transparency will increase, the efficiency of the factors hindering the reproduction of algae will diminish: thus eutrophication is inevitable. The organic matter production of algae is already 100 tons a day in dry weight along the Rajka-Nagymaros river section. This amount will be multiplied as soon as the reservoir is put into operation, and the consequences of the decay of this algal biomass will afflict the Hungarian section of the Danube above all.

14. The soil humidity of the inundation areas along the abandoned riverbed of the Danube will decrease, the ground water surface will sink and arborescent vegetation will spread over the dry riverbed.

15. The sediments of the reservoir, an expected quantity of 3-5 million m³/year as mentioned above, will contain industrial, agricultural and communal pollutants (viral and bacterial contamination, toxic organic matter, heavy metals). This implies deterioration of water quality and, in addition, serious reposition problems if the removal of sediments, costly for itself, seems necessary. Hygienic and bacteriologic indices show that the water is polluted already and this situation may worsen if the reservoir is filled up. The human and non-human biological effects of the bituminous insulation that has been laid

down in some places on the reservoir embankment are still uncleared. Similar asphalt insulation has been built in the embankment all along the 17 km long power canal, again without clear knowledge of its effect on water quality. Fishing utilization of the power canal may reach only a small fraction of the one of the Old-Danube, present main branch of the river. The consequences of the negative effects discussed above are likely to be felt down the river for, possibly, 150-200 km (i.e. also at Budapest) in the best part of the year. A significant and prolonged increase of the organic matter load, decay of the self-clarifying capacity, possible deterioration of the oxygen circulation and hygienic indices are factors that can cause grave and costly damages in the drinking and industrial water supply.

Ecological and genetical problems

From the point of view of biology, the affected region constitutes an integral system. The construction of the Gabčíkovo-Nagymaros Barrage System caused damage to two areas of outstanding natural value: Szigetköz and the bend of the Danube (Dunakanyar). Although the devastation of the natural resources and that of the landscape is significant, the damage is mostly reparable.

16. The biocenoses of Szigetköz still occupy a considerable area in natural or near-natural conditions, especially in the inundation zone. These ecosystems have adapted themselves to the seasonal dynamics of water. They follow gradually the constant changes in the Szigetköz branch system (ecological succession). In the case of forest populations this process is considerably slower and can be measured in terms of centuries. The answer to quick and drastic changes is degradation and decay. For the regeneration of forests living in near-natural conditions, centuries would be needed at the very best.

17. The forests of Szigetköz are Hungary's highest yield growing stock, the two-thirds of which is constituted by poplars spreading everywhere from the 1930's on (30 m³/hectare/year). This population utilizes the fluctuation of low and high water optimally. On account of the river regulation, the productivity of these populations has been diminished significantly. By further lowering of the water table, these excellent wooded areas will be lost and only forests of much lower productivity could be replanted later.

18. Szigetköz is especially rich in species, only of flowering plants 60 protected ones can be found in this area. A considerable part of the flowerless plants and microorganisms is unknown so far. In the past few years only, 11 new species of fungi - unknown in other parts of the country - have been discovered here. The fauna of Szigetköz is similarly rich. 63 fish species of the 80 ones living in Hungary can be documented in the area. Several groups of animals have not been documented fully until now. Each year, there are a number of new species found. All of them are of national value: their preservation for the future generations is a moral obligation.

19. It is evident from the consequences of the construction activities carried out so far that the extensive destruction of biological resources cannot be evaded even by the most careful operation of the Gabčíkovo barrage. The indirect effects are far more dangerous than the direct ones. Changes like that of the water table, disappearance of the seasonal fluctuation, modification of the oxygen supply of water, all have their effect on species organized into populations with redoubled intensity. New conditions of competition, predation and other interactions in the new environment lead to the local extinction of species or their degradation. The probability of survival after any significant environmental change depends on the scope of genetic diversity. Only numerous, genetically diverse populations can have a chance to accommodation.

20. It is more worrying that the disappearance of genetic diversity and a consequent lack of adaptability may cause further extinction, leading finally to a severe degradation of the region and an 80-90 % decrease in the number of species.

Part of the described ecological and environmental risks are proven unambiguously, further ones are supported by analogous experience abroad and at home: therefore they can be predicted reliably. The Czech and Slovak Party has, up to now, not presented results demonstrating that these serious dangers could be reduced to a tolerable degree by posterior technical measures.

III.

**INTERNATIONAL LEGAL ARGUMENTS
FOR THE TERMINATION OF THE TREATY**

The 1977 Treaty, like the majority of international treaties, does not contain any provision for termination. Referring to this fact, the Czech and Slovak Party has proclaimed many times that the Treaty cannot be terminated unilaterally. However, in every case when the text of a treaty is silent on the possibility of termination, the subsidiary rules of general international law are to be applied. These rules allow unilateral termination, even in the absence of agreement between the parties, if there is sufficient ground for termination.

Not only international practice points in this direction, but also numerous Articles of Part V of the 1969 Vienna Convention on invalidity, termination, and suspension of treaties. Although the Vienna Convention cannot directly be applied in the legal dispute of the 1977 Treaty (it entered into force for both countries after 1977), its provisions are guiding in many respects, concerning the content of generally accepted international legal norms at the time of the Treaty's conclusion. This does not mean that the parties may not invoke other rules of general international law not mentioned in the Vienna Convention, neither does it mean that norms of the Vienna Convention, even if indirectly applicable, literally apply in the present case. One of the reasons is that the Convention, at the time of its formulation partially conformed with customary law; in some respects it developed and tightened these rules.

In the opinion of the Hungarian Party, the 1977 Treaty can lawfully be terminated for the following reasons:

1. As a consequence of the factors enumerated in Chapter II, the construction and operation of the barrage system causes an ecological state of necessity which precludes the wrongfulness of the termination.

This norm of general international law appears, first of all, in Article 33 of the Draft on State Responsibility prepared by the UN International Law Commission. According to paragraph 1 of this Article, a state can invoke the state of necessity as a ground for precluding the wrongfulness of its act if (a) "the act was the only means of safeguarding an essential interest of the state against a grave and imminent peril;" and (b) "the act did not seriously impair an essential interest of the State towards which the obligation existed." For the Hungarian State, grave and imminent peril would follow from the operation of the barrage system. Since, in his letter dated April 23, 1992, the Czech and Slovak Prime Minister has set October 31, 1992 as the time of the unilateral diversion of the Danube, the peril can be regarded as imminent. In the commentary appended to the above-mentioned Article (to which there was not objection by the representative of Czech and Slovak Federal Republic), the International Law Commission pointed out that "Reference can be made to the state of necessity. as a ground for State conduct not in conformity with international law in cases where such conduct proves necessary by way of exception, in order to avert a serious and imminent danger which , even if not inevitable, nevertheless a threat to a vital ecological interest.

As to subparagraph (b) of the Draft, the Hungarian Party is of the opinion that the environmental danger would be just as significant in Czech and Slovak Republic as in Hungary. Consequently the termination of the Treaty would not seriously impair an essential interest of the Czech and Slovak Republic.

2. The termination of the 1977 Treaty cannot be considered wrongful because international law accepts the principle *ad impossibilia nemo tenetur maxima*, that is one cannot be obliged to perform the impossible.

In 1912 Russian Indemnity case, the arbitration award confirmed that a treaty obligation need not be performed "si l'observation du devoir international est self destructive" (R.I.A.A. vol.XI., p.443). Thus, the Republic of Hungary cannot be obliged to fulfil a practically impossible task, namely to construct a barrage system on its own territory that would cause irreparable environmental damages.

3. Since the conclusion of the 1977 Treaty, the underlying circumstances have changed fundamentally.

This principle concerning a fundamental change of circumstances has a long history in international law. and is also included in the Vienna Convention on the Law of Treaties. According to Art. 62. par. 1 of the Convention, a fundamental change of circumstances which has occurred with regard to those

circumstances existing at the time of the conclusion of a treaty and which was not foreseen by the parties may be invoked if "(a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty".

The preamble of the 1977 Treaty stated explicitly that the construction of the barrage system would "significantly contribute to bringing about the socialist integration of the member states of CMEA". Obviously, the historical changes that took place in both countries in 1989 could not be foreseen. These changes resulted in a complete turnover of the domestic and international situation, including the end of the CMEA and the "socialist integration". It is also obvious that this led to radical changes in the circumstances of the barrage system, putting similar gigantic constructions in a different light. These changes made it possible for environmental considerations to become a priority, at least in Hungary.

As to the second condition in the cited subparagraph (b) of the Vienna Convention ("the effect of the change radically to transform the extent of obligation still to be performed under the treaty"), this cannot yet be applied to the relations of the two countries. This is one of the new provisions of the Vienna Convention, which was meant to narrow the possibility of the application of the *clausula rebus sic stantibus*. In international judicial practice there was no case in which either of the parties would have successfully relied on this condition before the adoption of the text of the Vienna Convention. In other words, this condition was not part of the customary law that regulated the relations of the two countries in 1977.

Finally, the circumstances have radically changed from another point of view as well: namely, the importance of environmental resources and values has increased not only in Hungary but all over the world.

4. The Czech and Slovak Party did not fulfil its duties prescribed in the 1977 Treaty for the protection of nature and water quality. Therefore Czech and Slovak Republic can be condemned for material breach of the Treaty. According to general rules of international law, a treaty can be terminated unilaterally against a violating state.

As it is clear from Chapter II of the present Declaration, the Czech and Slovak Party, continuing the constructions, did not fulfil the obligations included in Articles 15 and 19 of the Treaty according to which "The Contracting Parties ensure that the quality of the water in the Danube is not impaired as a result of the construction and operation of the barrage system" and "ensure compliance with the obligations for the protection of nature arising in connection with the

construction and operation of the barrage system". Considering that the above-mentioned facts imply "the violation of (a) provision(s) essential to the accomplishment of the object or purpose of the treaty" as it is expressed in Art.60, subparagraph 3(b) of the Vienna Convention, the Hungarian Party can invoke "a material breach of a bilateral treaty ... as a ground for terminating the treaty " (Art.60, par.1).

The so-called "provisional solution" can be regarded as an even more severe breach of the Treaty. The Contracting Parties determined very precisely the work to be carried out in the original Treaty in 1977 and in the subsequent related agreements. The diversion of the Danube near Bratislava was not part of them in any form. During the implementation of a treaty neither of the parties has the right to activities that are not authorized to by the treaty: such a behaviour amounts to a material breach of the treaty.

5. The "provisional solution" seriously violates other norms of international law. This fact, in accordance with the rules of general international law, entitles the injured Party to take lawful counter-measures (repressalia). The termination of bilateral treaties effective between two parties may constitute such a counter-measure.

The "provisional solution" - the diversion of the Danube - violates the following international legal norms and agreements:

a) It constitutes a breach of the sovereignty and territorial integrity of the Republic of Hungary, which is protected by peremptory rules of international law. Leaving Bratislava, the Danube becomes an international boundary river, partly under Hungarian, partly under Czech and Slovak sovereignty. Neither of the parties can determine unilaterally the fate of the river. Thus, neither of them may divert the river to its own territory as if it were its own national river.

b) The "provisional solution" violates the inviolability of the frontiers of Hungary, protected by peremptory rules of international law. The diversion of the river would transfer the main navigation route to Czech and Slovak territory from the joint stretch. This route was designated as the frontier line between the two countries, first by the Peace Treaty of Trianon, Art.27, paragraph 4, then by the Peace Treaty of Paris, Art.1, paragraph 4(a), and finally by a bilateral treaty concerning the regime of the state frontiers concluded in 1956, Art.2. paragraph 3.

c) The "provisional solution" violates the 1976 bilateral Treaty of the two countries, regulating the questions of water management of the boundary rivers. This postulates that the precondition of any water management activity is the agreement of the contracting parties. In Art.3, paragraph 1, of this Treaty, the parties undertook "a) not to practice water management in such manner, that would prejudice the jointly established water relations unfavourably, b) to maintain the waterbed in their own territory in good condition and to utilize them in a way that they do not do damage to each other". Another provision of the treaty, Art.4, paragraph 3, unambiguously precludes unilateral steps, stating that "in accordance with the laws and regulations of both Contracting Parties a previous consent is needed to any water management activity that would result in changing the line or character of the state border".

d) The "provisional solution" violates the rules and principles of customary international law that regulate the utilization of international environmental resources. The "provisional solution" would deprive Hungary of its due share of water quantity, water quality and power potential. These principles have been formulated in various documents, e.g., in the International Law Association's Rules on the uses of waters of international rivers, adopted in Helsinki in 1966. Article V, paragraphs 1 (f), (g) and (i) of this document prescribe that each state is entitled to the use of parts of an international drainage basin within its territory only within the limits of reasonableness and equity. While sharing the resource, several relevant factors must be considered, like the size of the population dependent on the waters of the basin, the costs of alternatives to the planned use, and the need to avoid waste in the utilization of waters. This document states that no use is entitled to an inherent preference over the other. The expert group of lawyers on environmental law of the Brundtland Commission has also adopted, in its principle No.9, the principle of reasonable and equitable use of trans-boundary natural resources, referring in its commentary to various agreements and judicial decisions.

The principle of reasonable and equitable use is enshrined in principles 5 and 8 of the United Nations International Law Commission's draft on the law of non-navigational uses of international watercourses. According to them the affected states have to consult if they do not reach agreement concerning effects of the planned activity on the conservation of water resources, on their protection, development, and economic viability of their uses. For the duration of the dispute, but at least for six months, the planned measures have to be suspended.

Article 2 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, prepared under the auspices of the UN Economic Commission for Europe not only obliges the Parties to rational management, but also to a use which is ecologically sound, conserves the water resources and protects the environment.

e) The "provisional solution" violates the principle of the prohibition of transboundary harm affecting the neighbouring state. This principle was reflected in the arbitration award of the Trail Smelter arbitration in 1941, in the judgement of the International Court of Justice in the Corfu Channel case in 1949, by Principle No.21 of the Declaration adopted by the Stockholm Conference on the Human Environment in 1972; by principles No.11 and 21 of the Brundtland Report's recommendations on environmental law, Art.294 the Convention on Law of Sea of 1982, and by Art.2 of the 1991 Convention adopted in Espoo on environmental impact assessment in a transboundary context.

f) The "provisional solution" is in contradiction with the spirit of the Belgrade Convention on the Danube adopted in 1948. The danger that one of the Contracting States would divert the natural course of the river from its natural riverbed did not occur to the signatories, therefore the Convention does not contain an explicit prohibition for this case. However, other regulations of the Convention, like Art.3 which deals with work that become required by unforeseen circumstances and are carried out within the frontiers of a country, make it clear that lawful interventions can be carried out only by agreement of the riparian states.

g) The argument appearing, for example, in the reply note of the Czech and Slovak Ministry for Foreign Affairs, dated 12 March 1992 that the "provisional substitute solution" is being carried out because of the suspension of construction on the Hungarian side, i.e., in order to fulfil the 1977 Treaty, is incorrect. The present practice of general international law does not accept the so-called teleological way of interpretation and application of international treaties according to which the aims of a treaty could be achieved without the unanimous will of the Parties. This is plainly demonstrated by the discussions of the UN International Law Commission on the Law of Treaties (see Yearbook of the International Law Commission, 1966, vol.2, page 219).

6. Returning to the reasons for the termination of the 1977 Treaty, it is important to note that the rules of general international law on environmental protection, which have developed since the adoption of the plans for the system, take precedence over treaty provisions which were adopted earlier or are contradictory to them (*lex posterior derogat legi priori, lex specialis derogat legi generali*). These norms have recently been expressed in a number of international documents.

The most important rules prescribing the protection of the natural and human environment, the priority of environment, the necessity of the preservation of ecosystems, and the abandonment of contradicting economic activities are as follows:

Principle No.4 of the Stockholm Declaration prescribes that "Nature conservation, including wildlife, must therefore receive importance in planning for economic development." Principle No.3 of the World Charter for Nature adopted by the UN General Assembly in 1982 declares that "special protection shall be given to unique areas, to representative samples of all different types of ecosystems and to the habitats of rare or endangered species." It also states that "man's needs can be met only by ensuring the proper functioning of natural systems", and that conservation of nature must become an integral part of the planning process. The recommendations of the Brundtland Report on the law of environmental protection prescribe that "States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems."

The importance and priority of the cooperation in environmental problems were emphasized by the Helsinki Final Act and the Final Document of the Vienna follow up meeting.

7. The foregoing paragraphs justify the decisions of the Hungarian Government and Parliament which led to the unilateral suspension of construction first at Nagymaros, later at the upper Danube. As it is clear from the cited regulations of the Vienna Convention, the reasons serving as grounds for termination of a treaty can also be invoked as grounds for the suspension of the application of a treaty. Section 3 of the Vienna Convention (Termination and Suspension of the Operation of Treaties) treats these two measures in a parallel manner. Therefore it is sufficient here to refer to Chapter III, sections 3, 4, and 5 of the present Declaration. These sections prove that the suspension of the construction was a lawful act in the same way as the termination itself.

In addition, it can be established that the Hungarian Party has met the requirements of international law after the suspension in every respect. Hungary did not confront the Czech and Slovak Party with a *fait accompli* but rather made continuing efforts, according to the cited Parliament resolution, to achieve the termination of the 1977 Treaty by mutual agreement. Thus, Hungary has met her obligation established by Art. 65 of the Vienna Convention, to settle disputes arising from a treaty by peaceful means.

IV

CONSEQUENCES OF THE TERMINATION OF THE 1977 TREATY

Considering that the 1977 Treaty is terminated in its entirety with effect from May 25, 1992, the Government of the Republic of Hungary requests the Government of the Czech and Slovak Federal Republic to take measures towards the immediate stop of all work and construction related to the Gabčíkovo-Nagymaros Barrage System.

The Hungarian Government is ready to conclude a new treaty in order to settle, jointly, every consequence arising from the termination of the 1977 Treaty in view of the following order of priorities:

1. rehabilitation and maintenance of the ecological and natural resources and values of the region, primarily, the protection of the drinking water reserves;
2. flood control;
3. development of navigation, in conformity with the natural conditions of the region.

The Government of the Republic of Hungary awaits the response of the Government of the Czech and Slovak Federal Republic, so that the negotiations on the new treaty can be started as early as possible.

Budapest, 16th May 1992

József Antall
Prime Minister of the Republic of Hungary

Handed over, accompanying a note verbal, to the Embassy of the Czech and Slovak Federal Republic in Budapest on the 19th May 1992.

Annex 83

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
EMBASSY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 19 MAY 1992

NOTE VERBALE

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czech and Slovak Federal Republic in Budapest and has the honour to invite the honoured Embassy to forward the 19 May 1992 letter of Mr. Jozef Antall, Prime Minister of the Republic of Hungary, to Mr. Marian Calfa, Head of the Government of the Czech and Slovak Federal Republic, as well as the Statement of the Government of the Republic of Hungary to the Government of the Czech and Slovak Federal Republic.

On the basis of the powers given by the Parliament of the Republic of Hungary, the Government of the Republic of Hungary terminates the Treaty concerning the construction and operation of the Gabčíkovo-Nagymaros Barrage System, signed in Budapest on 16 September 1977 and all related agreements concluded by the Parties or their authorities in order to fulfil the provisions of this Treaty, effective 25 May 1992.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Czech and Slovak Federal Republic the assurances of its highest consideration.

Budapest, 19 May 1992.

MINISTER
FOR FOREIGN AFFAIRS

REPUBLIC OF HUNGARY

**His Excellency
Frans Andriessen
Vice President of the Commission
of the European Communities**

B r u s s e l s

Budapest, May 19, 1992

Dear Mr. Vice President,

In my letter of April 16, 1992, I expressed my agreement, on behalf of the Government of the Republic of Hungary, with the European Communities' willingness and conditions for cooperation in seeking a solution to the Hungarian-Czech-Slovak international dispute concerning the Gabčíkovo/Bős-Nagymaros barrage scheme.


In his letter of April 23, Mr. Marian Calfa, the Prime Minister of the Czech and Slovak Federal Republic, informed Prime Minister József Antall of Hungary about the position of the Czech-Slovak Government regarding the project. He stated, *inter alia*, that the Czech-Slovak side could not suspend the activity connected with the construction of the so called 'temporary solution'. (As known, construction work currently carried out on Czecho-Slovak territory will result in the unilateral diversion of the water of the Danube, the river which was determined by the 1920 and 1947 peace treaties as the border of the two states. This diversion is contrary to international law and not acceptable to the Hungarian Government.)

The above decision as communicated by the Head of the Czecho-Slovak Government is considered by the Government of the Republic of Hungary as being not in accordance with the third of the condition set down in your letter of April 13.

Therefore, the Hungarian Government, in compliance with the relevant decision of the National Assembly, will be compelled to terminate, with effect from May 25, the Hungarian-Czech-Slovak international agreement of 1977 concerning the Gabčíkovo/Bős-Nagymaros barrage scheme.

At the same time, the Hungarian Government will propose to the Czech-Slovak Government that a new agreement be signed to solve the problems of ecology, flood control and navigation in the region. I should like to take this opportunity to express my Government's hope that, maintaining their offer, the European Communities will cooperate through the good offices of their experts even under the new conditions towards finding a solution to the serious problems which continue to exist in the Gabčíkovo/Bős-Nagymaros region.

Yours respectfully,



Géza Jeszenszky

Annex 85

*NOTE VERBALE FROM EMBASSY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC TO MINISTRY OF
FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY, 22 MAY 1992*

NOTE VERBALE

1588/92

The Budapest Embassy of the Czech and Slovak Federal Republic presents its compliments to the Ministry of Foreign Affairs of the Republic of Hungary and has the honour to confirm that Note 365-69/92 19 May 1992 of the Ministry of Foreign Affairs of the Republic of Hungary has been received. The Government of the Czech and Slovak Federal Republic after learning the contents of the aforementioned Note and the Statement of the Government of the Hungarian Republic dated 16 May 1992, reiterates the position that the Republic of Hungary has no legal reasons to unilaterally terminate the Treaty signed in 1977 by the Czechoslovak Socialist Republic and the Peoples Republic of Hungary regarding the completion and putting into operation of the Gabčíkovo-Nagymaros Barrage as well as other agreements which were concluded with the aim of enforcing the aforementioned Treaty. In light of this the Note of the Ministry of Foreign Affairs of the Republic of Hungary dated 19 May 1992 may have no legal effects on the validity of the Treaty of 1977 and the agreements concluded for enforcing it.

At the same time, after the thorough and extensive evaluation of all the presented documents' the Government of the Czech and Slovak Federal Republic reserves the right to set forth its opinion in detail with regard to all arguments made by the Government of the Republic of Hungary , including compensation of damages incurred by the Czech and Slovak Federal Republic as a result of the non-compliance with the legal duties of the Republic of Hungary.

The Budapest Embassy of the Czech and Slovak Republic avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Hungary the assurances of its highest consideration.

Budapest 22 May 1992

The Ministry of Foreign Affairs of the Republic of Hungary

Annex 86

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
EMBASSY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 10 JUNE 1992

NOTE VERBALE

365-92/92.

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czech and Slovak Federal Republic in Budapest, and referring to *Note Verbale* 1588/92 on 22 May 1992 regrets to establish that at variance with the *Note Verbale* and Position Paper of the Government of the Republic of Hungary handed over on 19 May 1992, in the opinion of the Czech and Slovak Federal Republic the Government of the Republic of Hungary has no legal justification for the termination of the Interstate Treaty of 1977 on the implementation and operation of the Gabčíkovo-Nagymaros Barrage System, and that the Government of the Czech and Slovak Federal Republic holds the Treaty of 1977 legally valid even after 25 May.

In the name of the Government of the Republic of Hungary the Ministry of Foreign Affairs confirms the content of the Position Paper of 19 May 1992 and its request for measures connected with the immediate suspension of work on the Gabčíkovo-Nagymaros Barrage System.

According to the information available to the Government of the Republic of Hungary in May 1992, the undertakings of the Czech and Slovak Federal Republic started water decanting activity at Csölösztő, in the course of which they were pumping water from the river-bed of the Danube which is the boundary river shared by both parties.

The Government of the Republic of Hungary invites the Government of the Czech and Slovak Federal Republic to immediately stop this injurious and ecologically harmful work and to observe the rules of the Boundary Waters Agreement of 1976.

The Ministry of Foreign Affairs of the Republic of Hungary would like to emphasise the disposition of the Government of the Republic of Hungary for the joint arrangement of the consequences of the termination of the Interstate Treaty of 1977, and to the joint awaiting fulfilment waits for the answer of the Government of the Czech and Slovak Republic, so that negotiations can be commenced as soon as it is possible for the preparation for the new interstate treaty.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of the opportunity to renew to the Embassy of the Czech and Slovak Republic the assurances of its highest consideration.

Budapest, 10 June, 1992

Annex 87

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
EMBASSY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 8 JULY 1992

NOTE VERBALE

365-97/92

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czech and Slovak Federal Republic in Budapest and has the honour to say that it feels that the Ministry of Foreign Affairs has determined on the basis of the information available that despite the repeated protests of the Government of the Republic of Hungary, the Czech and Slovak construction company has once again begun to siphon the water from the bed of the border river, the Danube.

The Government of the Republic of Hungary calls upon the Government of the Czech and Slovak Federal Republic to immediately stop and desist from the aforementioned unlawful and environmentally damaging work, as well as to adhere to the pertinent regulations of the Boundary Waters Convention of 1976.

In the name of the Government of the Republic of Hungary, the Ministry of Foreign Affairs reiterates the contents of the *Note Verbale* delivered on 10 June 1992 and requests that work related to the Gabčíkovo-Nagymaros Barrage System be stopped without further delay.

The Ministry of Foreign Affairs would like to emphasise the intentions of the Government of the Republic of Hungary to resolve the consequences of the termination of the Interstate Treaty of 1977 and the issues requiring a solution in the region, by way of co-operation, and awaits the response of the Government of the Czech and Slovak Federal Republic, so that negotiations regarding the preparation of a new interstate treaty may begin as soon as possible.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Czech and Slovak Federal Republic the assurances of its highest consideration.

Budapest, 8 July 1992

Annex 88

LETTER FROM MR. RUDOLF CHMEL, CZECHOSLOVAK AMBASSADOR TO HUNGARY, TO MR. H. STRASSER, DIRECTOR OF THE GENERAL OFFICE OF THE DANUBE COMMISSION, 5 AUGUST 1992

The Ambassador of the Czech and Slovak Federal Republic

Budapest 5 August 1992

To the director of the General Office of the Danube Committee,
Mr. Strasser
Budapest

Dear Director!

Due to the temporary putting into operation of the Gabčíkovo Hydroelectric Plant on the territory of the CSFR Danube's flow will begin within the scope of the building of the construction works.

In light of this, we inform you on the basis of the resolution of the Danube Committee's 45 session that for the purpose of carrying out the building of the aforementioned construction works, work on the severance cutting through of the Danube's flow will begin on 15 October 1992 at the 1851,759 kilometre line. In accordance with the schedule for this construction work, it will be necessary to suspend navigation from Bratislava to Palkovicovo for about 10 days some time between 15 and 30 November when the severance of the river will occur. The exact date of this will be communicated to the General Office 15 days prior to the suspension of navigation. When the water level reaches 128 metres above sea level during the cutting of the water's flow the line of navigation will be relocated to the power canal and the lock-chambers of the Gabčíkovo plant.

At the same time all necessary nautical installations will be put into operation including the lock-chambers of the Gabčíkovo Plant.

I request that you make my declaration known to the representatives of the Danube Committee's member states and to the governments of other countries with a frontier on the Danube in order to provide them with an opportunity to notify their authorised institutions and authorities in time.

I request that the Honourable Director accept my sincere regards.

R. Chmel, Prepresentative of the Czech and Slovak Federal Republic Danube Committee.

LETTER FROM MR. JAN STRASKY, CZECHOSLOVAK PRIME MINISTER, TO MR. JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 6 AUGUST 1992

**The President of the Government of the
Czech and Slovak Federal Republic**

Prague, 6 August 1992

Dear Mr. Prime Minister!

With reference to your letter dated 19 May 1992, I must conclude that the proposals made by the Prime Minister of the CSFR in his letter dated 23 April of this year were not echoed in your reply. I had anticipated that the Hungarian Government would value our readiness concerning negotiations about the interstate treaty on the construction and operation of the Gabčíkovo-Nagymaros Barrage System and which were aimed at a resolution which respects the interests of both nations. The Government of the Republic of Hungary, however, had decided that it would unilaterally terminate the interstate treaty regarding the construction and operation of the Gabčíkovo-Nagymaros Barrage System concluded between the CSFR and the Republic of Hungary in 1977 as well as all agreements which were concluded for the purposes of executing the same.

The Czech and Slovak Federal Republic's Governments disappointment at the unilateral step taken by the Government of the Republic of Hungary has been increased substantially by the fact that your Government has taken this step when diplomatic activities are ongoing which are aimed at the formation of a trilateral committee of experts with the participation of the European Community. The assignment of this committee would be the in depth examination of the professional aspects related to the construction and operation of the Gabčíkovo-Nagymaros Barrage System.

In connection with this I would like to mention that the Government of the CSFR at its session on 14 May 1992 welcomed this activity and nominated the members of a delegation to be given a broad mandate and sent to Vienna in order to reach a reasonable solution of the dispute. At the same time the then Prime Minister of CSFR in his press declaration, as also mentioned in his letter, made known his readiness to enter into negotiations combined with a suspension of work on the provisional solution.

Dear Mr. Prime Minister!

The Government of the Czech and Slovak Federal Republic has become familiar with the contents of the declaration of the Government of the Republic of Hungary dated 16 May 1992 and has authorised me to convey to you the following: the Government of the Czech and Slovak Federal Republic, reiterating its position, is of the opinion that the Government of the Republic of Hungary has no legal basis for the unilateral termination of the interstate treaty on the construction and operation of the Gabčíkovo-Nagymaros Barrage System concluded between the CSSR and the HPR in Budapest on 16 September 1977 and of all agreements concluded for the purposes of executing the same. Therefore, the decision of the Hungarian Government to terminate the validity of the 1977 Treaty and all related contractual documents does not have the effect upon the interstate treaty of 1977 or any related treaties concerning the operation of the Gabčíkovo-Nagymaros Barrage System assumed by the Hungarian Government.

At the same time, the Government of the CSFR reserves the right to express its opinion, following the detailed and multi-faceted examination of all pertinent documents serving as the a foundation for the decision of the Hungarian Government, said opinion to be expressed not only as regards the individual arguments of the Government of the Republic of Hungary, but also on as to the question of compensation for damage which occasioned on the territory of the CSFR as a consequence of the fact that the Republic of Hungary has not fulfilled and is not fulfilling its responsibilities arising from the Treaty.

Dear Mr. Prime Minister!

With consideration for the fact that the Government of the Czech and Slovak Federal Republic is still quite interested in not allowing the problem of the Barrage System to continue to grow and also not wishing the bilateral and multilateral negotiations being held between the CSFR and the RH to break off, I have authorised the Foreign minister of the CSFR to repeat our request for assistance from the European Community Commission in order to find a rational compromise for the present situation.

I am convinced that, with good-will and a readiness to coooperation, we can resolve the situation through negotiations based on the 1977 Treaty and the valid contractual documents pertaining thereto. The Czechoslovak Party remains fully prepared to act in the interests of the success of such negotiations.

Please accept my sincere regards.

(Signature of Jan Strásky)

Jozef Antall
Prime Minister
Republic of Hungary

Annex 90

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. JAN STRASKY,
CZECHOSLOVAK PRIME MINISTER, 6 AUGUST 1992

The Prime Minister of the Republic of Hungary

To Mr. Jan Strásky,
the Prime Minister of
the Czech and Slovak Federal Republic
Prague

Budapest, 6 August 1992.

Dear Mr. Prime Minister,

The improvement of good neighbour relations is the traditional ambition of our freed countries. Unfortunately the case of the Gabčíkovo-Nagymaros Barrage System interferes with the success of these endeavours.

I have informed Marian Calfa the Head of the Government in my 19 May 1992 letter about the resolution of the Hungarian Parliament and Government to terminate the 1977 Treaty concerning the construction of the Gabčíkovo-Nagymaros Barrage System through diplomatic channels by way of the Declaration of 19 May effective 25 May 1992.

The Statement gave detailed reasons for the Hungarian decision stating antecedents and asked the Government of the Czech and Slovak Federal Republic to stop all operations relating to the Gabčíkovo-Nagymaros Barrage System immediately. At the same time, in the interests of a joint settlement of the consequences arising from the Termination of the Treaty, the Hungarian Government proposed the conclusion of a new Treaty in the Statement on the solution of problems related to the common section of the Danube and its connected regions. We took into consideration the following aspects:

- the preservation of the ecological-natural wealth, but primarily that of the drinking water supplies
- the protection against flood and
- the establishment of navigation conforming to the natural conditions of the region.

In the course of the arrangement of the new Treaty there are several questions of a professional nature to be answered in connection with the condition of the region. Therefore it would be reasonable to involve EC experts in our work.

To date, our letter and proposals have not been answered, meanwhile the Czechoslovak construction company is continuing the completion of preparatory works in readiness for the commencement of the operation of the Gabčíkovo power-plant.

Whilst aware of the numerous urgent tasks connected with elections which have recently taken place and the establishment of a Government I think it reasonable for us to become acquainted in the near future with the position of the Czech and Slovak Government on the Hungarian proposition.

The construction, continuing without interruption, strengthens the belief that the Czech and Slovak Parties do not intend to resolve the problem within the framework of bilateral negotiations. For this reason the Hungarian Government will consider the involvement of highly respected non-partisan authorities in the resolution of the Danube dispute, first of all the International Court of Justice in the Hague would be advisable.

Dear Mr. Prime Minister,

Repeating the closing lines of my letter written to Marian Calfa, the Head of the Government I strongly hope that the interstate conflicts concerning the Danube Barrage System will not affect unfavourably our promising bilateral relations and regional co-operation. In this spirit, I emphasise that the Government of the Republic of Hungary is ready to enter into bilateral negotiations concerning a settlement of the consequences arising from the termination of the 1977 Treaty. I trust that this initiative will meet the understanding of the Czech and Slovak Government.

Please, accept my sincere regards.

Sincerely,

József Antall

Annex 91

LETTER FROM MR. IVÁN BÁBA, HUNGARIAN REPRESENTATIVE TO THE DANUBE COMMISSION, TO MR. RUDOLF CHMEL, VICE-PRESIDENT OF THE DANUBE COMMISSION, 17 AUGUST 1992

To Ambassador Rudolf Chmel
Vice-President of the
Danube Commission
Budapest

Dear Mr. Vice-President!

I received your letter dated 5 August 1992 in which, as the representative of the Czech and Slovak Federal Republic to the Danube Commission, you informed me of the commencement of a stoppage of navigation of the Danube as a result of the temporary commencement of operations of the Gabčíkovo-Nagymaros Barrage System .

The Hungarian Party draws attention to the fact that this stoppage is related to work on projects against which the Hungarian Government has made repeated official protests.

The planned commencement of operations of the equipment built into the bed of the Danube to obstruct the Danube and of the power canal, as you know, has a serious effect on Hungary's interests. Please brief us as soon as possible on the technical characteristics of the equipment used to close off the Danube and on the planned order of operation of the power canal and the Gabčíkovo-Nagymaros Barrage System .

I also ask you to kindly brief us as soon as possible on what the Czechoslovak Party means by the provisional nature of the commencement of operations of the aforementioned facilities.

The Hungarian Government finds all unilateral steps related to the common section of the Danube to be unacceptable as the Government is convinced that a solution acceptable to both sides may still be arrived at by way of bilateral negotiations.

Budapest 17 August 1992

Respectfully,

Iván Bába
Hungarian Representative to
the Danube Commission

Annex 92

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. JAN STRASKY,
CZECHOSLOVAK PRIME MINISTER, 18 AUGUST 1992

The Prime Minister of the Republic of Hungary

Budapest 18 August 1992

To Mr. Jan Strasky
The Prime Minister of the Government
of the Czech and Slovak Federal Republic
Prague

Dear Mr. Prime Minister!

The issue of the Gabčíkovo -Nagymaros Barrage is a serious problem inherited from the past which stems from the former faulty decision-making mechanism. However, subsequent to the change of the political systems the positions on to this issue have not been harmonised. During the negotiations in 1991 an agreement was reached that the issue of the barrage was a professional scientific problem. The joint deliberation of the disputed questions has not begun because of the consistent rejection by the Czech and Slovak party of Hungarian party's request for the suspension of the building of the Gabčíkovo Barrage, which is a rational minimum requirement in order to ensure an undisturbed examination of the issue.

In 1992 the temporary solution, the building of the so-called "C" variation, for the diversion of the Danube had been enthusiastically. The continuation of this, despite repeated Hungarian protests, rendered impossible the offer of assistance by the Committee of the European Community for the establishment of a joint specialist group.

Due to the continuation of the building programme violating the territorial integrity of Hungary, any hope for a decision by the two governments on the fate of the Interstate Treaty of 1977 concerning the completion of the barrage has disappeared. This is why the Government of the Republic of Hungary, on the basis of an authorisation from Parliament, terminated the treaty as of 25 May 1992 and proposed the bringing about of a new Interstate Treaty for the joint settlement of the consequences.

In my recent letter dated 6 August 1992 I restated that the Government of the Republic of Hungary would like to continue discussions concerning the settlement of consequences emanating from the termination of the Interstate Treaty of 1977.

According to the contents of your letter of reply, Mr. Prime Minister you do see a possibility for the Government of the Czech and Slovak Federal Republic, after reviewing all the problems surrounding the Gabčíkovo -Nagymaros Barrage, to accept a resolution which is reasonable for both parties. However, I regretfully ascertain that construction work to divert the Danube thereby threatening the territorial integrity of Hungary is being continued with unchanged pace. The president of the Danube Committee periodically informed me of the Czech and Slovak party's official notification in which he announced that the Danube will be diverted to Czech and Slovak territory within a few weeks subsequent to 15 October 1992 thereby unilaterally changing the frontier. In light of this the opportunity for a settlement via bilateral negotiations has greatly diminished.

At the same time the Government of the Republic of Hungary would like to solve the dispute once and for all in accordance with international law which is why it proposes the submission of the dispute to an impartial authority. I therefore propose that the Government of the Czech and Slovak Republic and the Government of the Republic of Hungary mutually agree to submit the dispute over the implementation of Variant C to the International Court of Justice and request a decision. In addition to recognising the

jurisdiction of the Court, the representatives of our Governments should determine in writing the questions to be submitted to the Hague Court of Justice.

Dear Mr. Prime Minister!

The negotiations between the governments of the Republic of Hungary and the Czech and Slovak Federal Republic have not accomplished results. The petitioning of the International Court is the path which may lead to a reasonable resolution of the conflict in accordance with European values. This is in the joint interest of both our countries which is why I am hopeful that the proposition by the Government of the Republic of Hungary will be accepted by the Government of the Czech and Slovak Federal Republic.

I will notify the forums for the co-operation of European Countries of the initiatives of the Government of the Republic of Hungary. First and foremost, the Committee of the European Community, the European Council and the European Conference for Safety and Co-operation.

Please accept my kind regards.

Many thanks,

József Antall

Annex 93

LETTER FROM MR. IVÁN BÁBA, HUNGARIAN REPRESENTATIVE IN THE DANUBE COMMISSION, TO MR. ION
DIACONV, CHAIR OF THE DANUBE COMMISSION, 28 AUGUST 1992

**Ministry for the Foreign Affairs
Under Secretary of State**

Budapest, 28 August, 1992

Mr. Ion Diaconu
Ambassador
Chairperson of the
Danube Commission
Bucharest

Dear Mr. Chairman:

On 5 August, 1992 the Government of the Czech and Slovak Federal Republic made a written statement on the commencement of the works cutting across the course of the Danube on 15 October, 1992 at the 1851 rkm with the intention to replace the navigational routes and the commencement of operation of the Gabčíkovo hydroelectric power plant.

Hereby, I would like to inform you that on 25 May, 1992 the Government of the Hungarian Republic has announced the termination of the Hungarian-Czech Interstate Treaty concerning the Gabčíkovo Nagymaros Barrage System and as a result of that the intention of the Czech and Slovak Government for the diversion of the Danube and the commencement of operation of the Gabčíkovo Barrage System is contrary to the interests of the Hungarian Republic, furthermore, it violates the basic norms of International Law and a series of regulations of international conventions, and it carries with it serious ecological risks in the region of the concerned reach of the Danube.

Allow me, Mr. Chairman to send for your information the communiqué of the Government of the Hungarian Republic. In this document the Government of the Hungarian Republic terminated the 1977 Interstate Treaty and pointed out all of the dangers and risks which are the consequences of the Czech and Slovak intention which has already been announced.

In conformity with the above in the name of the Government of the Hungarian Republic I hereby express my protest against the announced intention of the Government of the Czech and Slovak Federal Republic on 5 August, 1992.

I would like to ask you to inform the Member States of the Danube Commission of my standpoint.

Allow me, Mr. Chairman to ensure you of my deepest appreciation.

With Respect,

Iván Bába
Representative of the Government of
the Hungarian Republic in the Danube
Commission

Ion Diaconu úr
nagykövet
Duna Bizottság
elnöke

Budapest, 1992. augusztus 28.

B u k a r e s t

Tisztelt Elnök úr!

1992. augusztus 5-én a Cseh és Szlovák Szövetségi Köztársaság Kormánya írásban jelentette be a Duna Bizottságnak, hogy 1992. október 15-én megkezdí a Duna folyásának átvágási munkálatait az 1851,79 fkm-nél, azzal a szándékkal, hogy áthelyezze a hajózási útvonalat és üzembehelyezze a Bósi Vízerőművet.

Ezúton kívánom Önt tájékoztatni arról, hogy a Magyar Köztársaság Kormánya 1992. május 25-ei hatállyal megszüntnek nyilvánította a Bós-Nagymarosi Vízlépcsőről szóló 1977. évi magyar-csehszlovák államközi szerződést, aminek következtében a cseh-szlovák kormány szándéka a Duna elterelésére és a Bósi Vízlépcső üzembehelyezésére ellentétes a Magyar Köztársaság érdekeivel, továbbá súlyosan megsérti a nemzetközi jog alapvető normáit és számos nemzetközi egyezmény előírását, valamint komoly ökológiai kockázatokkal jár a Duna érintett szakaszának térségében.

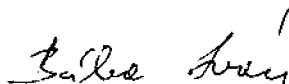
Engedje meg, Tisztelt Elnök úr, hogy szíves tájékoztatására mellékeljem Önnek a Magyar Köztársaság kormánynyilatkozatát. E dokumentumban a Magyar Köztársaság Kormánya megszüntette az 1977. évi államközi szerződést és rámutatott mindazon veszélyekre és kockázatokra, melyek a bejelentett cseh-szlovák szándékból fakadnak.

Fentiekkel összhangban a Magyar Köztársaság Kormánya nevében ezúton kívánom kifejezésre juttatni tiltakozásomat a Cseh és Szlovák Szövetségi Köztársaság Kormányának 1992. augusztus 5-én bejelentett szándékával szemben.

Kérem álláspontomról szíveskedjék a Duna Bizottság tagállamait tájékoztatni.

Engedje meg, Elnök úr, hogy legmélyebb nagyrabecsülésemről biztosítsam.

Tisztelettel:



Bába Iván

a Magyar Köztársaság Kormányának
képviselője
a Duna Bizottságban

Annex 94

LETTER FROM MR. GÉZA JESZENSZKY, HUNGARIAN FOREIGN MINISTER, TO MR. JOSEF MORAVCIK,
CZECHOSLOVAK FOREIGN MINISTER, 14 SEPTEMBER 1992

**The Foreign Minister of
the Republic of Hungary**

Budapest, 14 September 1992

To Mr. Jozef Moravcik
Foreign Minister of the
Czech and Slovak Federal Republic

Dear Mr. Foreign Minister,

It became unambiguous at the meeting of Prime Minister József Antall and Vladimir Meciar which took place in Budapest 9 September 1992 that we must clarify the manner of settling our problems concerning the barrage-system. Mr. Prime Minister József Antall set forth in his letter to Mr. Prime Minister Jan Strasky dated 18 August 1992, that the most suitable way to achieve European ideals would be by turning to the International Court of Justice and he suggested that our governments jointly submit the case to this honoured institution.

Our Prime Minister agreed at the Budapest meeting that they will start preparatory negotiations between the Hungarian, the Czechoslovak and the Slovak Governments with the aim of preparing a joint submission of the case to the International Court of Justice, establishing a trilateral committee of experts to examine ecological and environmental protection questions with involvement of EC experts, and forming a simultaneous position on these issues.

I propose that the plenipotentiaries of our governments start negotiations to harmonise the details of the two issues above. The governmental delegations of the Republic of Hungary is ready to hold negotiations immediately either in Budapest or in Prague with the representative of the Czech and Slovak Federal Republic.

I suggest that we harmonise the details of the negotiations on a colleague-level if you agree with the above in principle.

Respectfully,

Géza Jeszenszky

Annex 95

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. JAN STRASKY,
CZECHOSLOVAK PRIME MINISTER, 18 SEPTEMBER 1992

The Prime Minister of the Republic of Hungary**Budapest 18 September 1992**

To Mr. Jan Strasky

The Prime Minister of the Government of the Czech and Slovak Federal Republic

Prague

Honourable Prime Minister,

The issue of the Gabčíkovo-Nagymaros Barrage is a serious problem inherited from the past which stems from the former faulty decision mechanism. However, subsequent to the change of the political systems the positions with regard to this issue have not been harmonised. During the negotiations in 1991 an agreement was reached in that the issue of the barrage is a professional scientific problem. The joint deliberation of the disputed questions has begun due to the consistent rejection by the Czech and Slovak party of Hungarian party's request for the suspension of the building of the Gabčíkovo Barrage, which is a rational minimum requirement for the assurance of undisturbed examinations.

In 1992 the temporary solution, the building of the so-called "C" variation, for the diversion of the Danube had begun with zeal. The continuation of this, despite repeated Hungarian protests, rendered the offer of assistance by the Committee of the European Community for the establishment of a joint specialist impossible.

Due to the continuation of the building violating the territorial integrity of Hungary, the hope for the two governments to decide the fate of the Interstate Treaty of 1977 with regard to the completion of the barrage has disappeared. This is why the Government of the Republic of Hungary, on the basis of an authorisation from the Parliament, terminated the treaty starting 25 May 1992 and proposed the bringing about of a new Interstate Treaty for the joint settlement of the consequences.

In my recent letter dated 6 August 1992 I restated that the Government of the Republic of Hungary would like to continue discussions with regard to the settlement of the consequences emanating from the termination of the Interstate Treaty of 1977.

According to the contents of your responsive letter, Mr. Prime Minister you do see a possibility for the Government of the Czech and Slovak, after reviewing all the problems surrounding the Gabčíkovo-Nagymaros Barrage, to accept a resolution reasonable for both parties. However, I ascertain with regret that the building for the diversion of the Danube threatening the territorial integrity of Hungary is being continued with unchanged pace. The president of the Danube Committee periodically informed me of the Czech and Slovak party's official notification in which he announced that the Danube will be diverted to Czech and Slovak territory within a few weeks subsequent to 15 October 1992

unilaterally changing the frontier. With this the opportunity for a settlement via bilateral negotiations is little.

At the same time the Government of the Republic of Hungary insist on settling this conflict between the two countries in harmony with International Law which is why it proposes the submission of the dispute to an impartial authority. I initiate that the Government of the Czech and Slovak Federal Republic and the Government of the Republic of Hungary jointly submit to the International Court at The Hague the dispute regarding the completion of the "C" variation of the Gabčíkovo Barrage. I request that a decision by the International Court be rendered on the basis of a joint agreement. In addition to the acceptance of the jurisdiction of the International Court our governments should, within a short time, put those issues down in writing for which the two governments request a position from the International Court at The

Hague.

Honourable Prime Minister Sir!

The negotiations between the governments of the Republic of Hungary and the Czech and Slovak Federal Republic have not accomplished results. The petitioning of the International Court is the path which may lead to a reasonable resolution of the conflict in accordance with European values. This is the joint interest of both our countries which is why I am hopeful that the proposition by the Government of the Republic of Hungary will

win acceptance by the Government of the Czech and Slovak Federal Republic.

I will notify the forums for the co-operation of European Countries of the initiatives of the Government of the Republic of Hungary. First and foremost, the Committee of the European Community, the European Council and the European Conference for Safety and Co-operation.

I request that you accept my deep esteem.

Many thanks,
József Antall

Annex 96

LETTER FROM MR. JAN STRASKY, CZECHOSLOVAK PRIME MINISTER, TO MR. JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 23 SEPTEMBER 1992

**President of
the Government of the Czech and Slovak Federal Republic**

Prague, 23 September 1992

Dear Mr. Prime Minister!

I was grateful to receive your letter dated 18 August 1992, and would like to add the following comments:

The steps taken by the Government of Czech and Slovak Federal Republic during the construction of the Gabčíkovo-Nagymaros Barrage System were in complete harmony with the 1977 Treaty and all related treaty documents, which were all valid during this period and we were always ready to discuss, without any prior conditions, any questions which the Hungarian Party had concerns. The Czechoslovak Party considered it to be a natural precondition that the Hungarian Government would at least substantiate those concerns identified in the main points and give concrete evidence of them. This, however, never occurred. In harmony with the Treaty of 1977, these questions must be resolved by Governmental Plenipotentiaries, but the proposals of the Czechoslovak Party's Plenipotentiary have not met with any answer from the Hungarian Party.

The position of the Government of the Czech and Slovak Federal Republic concerning the decision by the Government of the Republic of Hungary to unilaterally terminate the 1977 Treaty and all related treaty documents and its viewpoint on the justifications which led the Republic of Hungary to this decision are included in my letter dated 6 August 1992. I would only like to emphasise that the Government of the Czech and Slovak Federal Republic had stood ready to form a trilateral expert commission. Its delegation was given a mandate broad enough to make it possible for a jointly acceptable resolution to be arrived at.

Likewise, you were informed of the so-called "C" variant's completion in the letter written by the President of the Government of the Czech and Slovak Federal Republic. I would only like to remind you that the provisional technical solution does not obstruct the achievement of goals set forth in the Treaty of 1977, as the main objective of this is to minimise the damage which the Czech and Slovak Federal Republic is suffering as a result of the unlawful behaviour of the Hungarian Party since 13 May 1989. On the fulfilment of the so-called "C" variant, I consider it necessary to emphasise that the object of this was not, nor is it, the "diversion of the Danube," as you allege in your letter. It was only the utilisation of the waters of the Danube in the manner assumed in the 1977 treaty. Therefore, this variant does not endanger the territorial integrity of the Republic of Hungary.

In the closing section of your letter, you propose that we bring the dispute between our nations on the Gabčíkovo-Nagymaros Barrage System before the International Court of Justice in the Hague.

I ask myself what this means in connection with as regards the European Community's offers of assistance in the aforementioned dispute, to its incidental role as mediator, and from the point of view of negotiations which have not as yet been adjourned?

Please allow me to remind you that the Czechoslovak Party proposed during negotiations held on 15 July 1991 between the Governmental delegations, when it became convinced that bilateral negotiations were not leading to positive results, that we involve the European Community Commission in the resolution of the dispute.,

The Government of the Republic of Hungary, which had previously rejected this proposal, set certain preconditions for its acceptance as of December 1991. In May of this year, we were very close to the point where we could agree on the involvement of the EC Commission in the resolution of the dispute. It is exactly for this reason that I was very disappointed by the Hungarian Party's decision not to participate in the trilateral negotiations planned for 18 May 1992, with the EC Commission's participation, in Vienna.

Despite the problem which we have yet to solve, the Czechoslovak Party is convinced that we are not far from jointly agreeing that a resolution of this dispute should involve the European Community Commission in the role of mediator. Not too long ago, I was reinforced in my belief in the position that "it would be worthwhile to include EC experts from third party countries in our common work," by your letter dated 6 August 1992. It is for exactly this reason that, based on your letter of 18 August 1992, it is not clear to me whether the Czech and Slovak Federal Republic should consider the fact that the Hungarian Party desires to bring this disputed question before the International Court of Justice in the Hague to be a conclusion of the negotiations about the assistance offered by the European Community Commission. If this were the case, it would be a step backwards for both Parties on the road to a resolution. This would negate the discussions held to date with the European Community Commission and would, in practice, mean the commencement of a new set of negotiations for the bringing of the matter before the International Court of Justice without us having any reason to assume that these negotiations would be any easier than those undertaken so far. The process by which we are attempting to find the proper procedure for solving the disputed question would once again be extended and the damages suffered by the Czech and Slovak Federal Republic and, eventually, the Republic of Hungary would grow ever greater.

The Government of the Czech and Slovak Federal Republic has a great deal of respect for the International Court of Justice in the Hague and has great faith in its objectivity. Despite this, in today's world, when time is of the essence, our Government considers the participation of the European Community Commission to be the most essential factor. Apart from this, the trilateral committee (Czech and Slovak Federal Republic, Republic of Hungary, and European Community Commission) may judge other aspects, not only the legal, in particular ecological, navigational, and economic issues. In recent times, the Czech and Slovak Federal Republic has completed research programs which leaned on the partial conclusions of the PHARE program which deals with the modelling of the Danube region's water reserves and in the work of which the experts of various member states of the European Community participate. The results of these may be used during the determination of the ecological aspect, the importance of which the Hungarian Party has always emphasised.

It can be seen from the letter sent by Mr. F. Andriessen, Vice-President of the European Community Commission to the Foreign Minister of the Czech and Slovak Federal Republic, J. Moravcik, dated 30 July 1992, that the European Community Commission is still prepared to assist in the resolution of the dispute about the Gabčíkovo-Nagymaros Barrage System. He assumes, at the same time, that our nations will come to an agreement as to the scope of the mandate which will be given to this trilateral committee, formed with the participation of the European Community Commission. For this reason, I propose that our nations' experts meet as soon as able in order to prepare a joint petition to the European Community Commission as speedily as possible.

Dear Mr. Prime Minister, please accept my sincere regards.

Jan Strasky

Annex 97

LETTER FROM MR JOZEF MORAVCIK, SLOVAK TO MR GEZA JESZENSKY, HUNGARIAN FOREIGN MINISTER,
23 SEPTEMBER 1992

23 September 1992, Prague

Dear Mr. Minister!

Thank you for your letter which I received on 23 September in which you made suggestions on resolving disputed questions concerning the Gabčíkovo-Nagymaros Barrage System.

The Czechoslovak Federal Republic will announce its standpoint connected with this matter in the next days in a letter addressed to Prime Minister Antall József and signed by the President of the Federal Government Mr. Jan Srásky.

The essence of the Czechoslovak standpoint is aimed at the earliest implementation of the meeting of the experts of the Government of the Czechoslovak Federal Republic and of the Hungarian Government in order to make preparations for our joint request to the Commission of the European Community, in which we call upon the Commission's help to settle the dispute.

The idea to submit the dispute to the International Court of Justice would virtually prolong the process of finding the solution to the dispute, exactly then, when time already became a crucial factor.

When you have become acquainted with the detailed standpoint of the Czech and Slovak Federal Republic, I would be delighted to hear your reaction in order to set in motion the process of the negotiations as soon as possible.

With Regards,

Jozef Moravcik

Annex 98

LETTER FROM MR. JÓZSEF ANTALL, HUNGARIAN PRIME MINISTER, TO MR. JAN STRASKY,
CZECHOSLOVAK PRIME MINISTER, 28 SEPTEMBER 1992

**The Prime Minister
of the Republic of Hungary**

To Mr. Jan Strasky
President of the Government of
the Czech and Slovak Federal Republic
Prague

Dear Mr. Prime Minister,

I was grateful to receive your letter of 23 September 1992. I have concluded that the position of the Federal Government continues to remain unchanged following the statement made by the Government of the Republic of Hungary on 19 May 1992 and that during this time, work on the so-called provisional solution, leading to the unilateral diversion of the Danube is being concluded threatening the sovereignty and territorial integrity of the Republic of Hungary.

In connection with the extensive unilateral construction activities presently underway on Czechoslovak territory, I must emphasise, once again, that the Government of the Republic of Hungary was forced to terminate the Interstate Treaty of 1977 due to the serious ecological risks posed by the commencement of operations of the planned Barrage System and has proposed that negotiations aimed at the conclusion of a new interstate agreement begin.

I would like to express my sorrow that despite the differences of opinion in judging the legality of the issue, the Government of the Czech and Slovak Federal Republic will not accept my proposal and is unwilling to submit a joint petition to the International Court of Justice in the Hague. In my opinion, the resolution of the predominantly legal problems between our states may be resolved by submitting them to the International Court of Justice in the Hague, a process which would be entirely in harmony with European principles. For this reason, my Government is unwilling to give up its efforts to bring the issues at dispute before the International Court of Justice in the Hague as soon as possible.

On the other hand I agree with you that there are some aspects of the interstate dispute which seem to require the setting up of a trilateral expert Committee with the participation of specialists from the European Community. I naturally consider that this body be formed in accordance with the framework set forth by the Vice-President of the European Community, Commission, Mr. F. Andriessen and that it works within this framework.

Therefore, I accept your proposal that our Governments' experts prepare a joint petition to the European Community Commission as soon as possible and arrive at an agreement regarding the planned trilateral committee's mandate.

In consideration of our mutual intention to involve the European Community, I propose that we authorise our Under-secretaries of State and/or Deputy Ministers for Foreign Affairs to lead the negotiating delegations.

The Hungarian delegation is prepared to travel to Prague on 30 September 1992. I propose that further details be agreed upon via our respective Ambassadors.

Please accept my sincere regards.

Budapest, 28 September 1992.

Greetings

József Antall

Annex 99

LETTER FROM MR. JAN STRASKY, CZECHOSLOVAK PRIME MINISTER, TO MR. JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 2 OCTOBER 1992

**Prime Minister of the
Czech and Slovak Federal Republic**

Prague, 2 October 1992

No.: 2088/92-PV

Dear Mr. Prime Minister!

I received your letter dated 28 September 1992 and I noted with pleasure that you accepted the proposal regarding negotiations between our Governments' experts without any preconditions. These negotiations refer to our joint request to the European Community Commission, regarding the subject of the mandate of the trilateral commission as is contained in our previous proposal.

As I received your letter on 29 September 1992, the date which you proposed cannot be seen as realistic. At the same time, I am convinced that a new date for these negotiations will be determined soon through diplomatic channels.

As regards the further parts of your letter, I would like to emphasise the following:

The realisation of the temporary technical solution, does not amount to the diversion of the Danube, but the utilisation of a portion of the waters according to the procedure presumed by the 1977 Treaty. The aforementioned temporary solution is being undertaken exclusively on the territory of the CSFR and will have no effect on the continuity of the state border, therefore, I cannot agree with your assertion that it would endanger the territorial integrity and sovereignty of the Republic of Hungary. The Czechoslovak Party is only bringing to fruition, on its own Territory, that which is provided for in the 1977 Treaty and the agreements contained within the related treaty documents. The CSFR is ready, immediately after the Republic of Hungary resumes the performance of its obligations stemming from the 1977 Treaty, to continue the construction of the Gabčíkovo Nagymaros Barrage according to the original plans, based on joint agreement.

The Czechoslovak position concerning the decision of the Hungarian Government on the unilateral termination of the 1977 Treaty and the treaty documents pertaining thereto, as well as the Czechoslovak reply to the Hungarian justifications are contained in my letter dated 6 August 1992. The Government of the CSFR continues to hold all of the aforementioned documents to be valid.

Dear Mr. Prime Minister, I am afraid that the proposal submitted by you, in your letter dated 23rd Sept. 1992, to take our dispute to the International Court of Justice in the Hague was influenced by a misunderstanding of the reasons for our position on the issue. Today, when time has become an extremely important factor, I am of the opinion that it is urgent that we finish negotiations on the participation by the European Community Commission in the solution to our dispute. The submission of our dispute to the International Court of Justice in the Hague would mean that the results of our negotiations with the European Community to date, would come to nothing. Indeed Czechoslovakia's reconciliation to the Czechoslovak Constitutional provisions prior to the submission of our dispute before the International Court of Justice in the Hague would require a great deal of time indeed.

Dear Mr. Prime Minister, please accept my sincere expressions of respect .

Jan Strasky

Annex 100

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 12 OCTOBER 1992

NOTE VERBALE

No. 4611/92

The Ministry of Foreign Affairs of the Government of the Republic of Hungary presents its compliments to the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic and has the honour to convey the following.

The Government of the Republic of Hungary, in its *Note Verbale* of 19 May 1992, taking into consideration the high probability of ecological damage and the negative effects on beneficial use, has terminated the interstate treaty regarding the construction and operation of the Gabčíkovo-Nagymaros Barrage System concluded between the People's Republic of Hungary and the Czechoslovak Socialist Republic, which took effect 29 October 1977, said termination taking effect 25 May 1992. Further terminated are all agreements concluded by the Contracting Parties and their respective bodies for the purposes of execution and also proposed, simultaneously, is the conclusion of a new interstate treaty for the purposes of resolving the consequences of said termination.

The Government of the Republic of Hungary, however, has been unable, despite repeated attempts, to arrive at an agreement with the Government of the Czech and Slovak Federal Republic regarding the disputed questions on the Barrage System. The Government of the Czech and Slovak Federal Republic has also shown no willingness to allow the Governments of the two nations to turn to the International Court of Justice in the Hague as soon as possible or to allow a committee of experts which includes the experts of the European Community to begin work according to the conditions set forth by the European Community.

The Government of the Czech and Slovak Federal Republic, contemporaneously with the attempts of the Government of the Republic of Hungary to resolve the question by way of joint agreement, has undertaken intensive construction work on the territory of the Slovak Republic and declared on 5 October 1992 to the Danube Commission that on 20 October 1992 it would begin diversion of the Danube at river km 1851 into the industrial canal which constitutes a part of the Gabčíkovo Barrage in order to commence operations of the Gabčíkovo Hydroelectric Plant.

During the time of the construction work, the Government of the Republic of Hungary repeatedly protested, in both written and oral form, the intent of the Government of the Czech and Slovak Federal Republic to divert the Danube.

As a result of the execution of the measures announced by the Government of the Czech and Slovak Federal Republic, great amounts of water are being lost to the Danube, contrary to the wish of the Government of the Republic of Hungary. The Danube constitutes the border between the Republic of Hungary and the Czech and Slovak Federal Republic between river km 1708 and 1850 in accordance with Part I, article 1, point 4 of the Paris Peace Treaty of 1947, which furthers the provisions of the Trianon Peace Treaty of 1921.

The Government of the Republic of Hungary holds the unilateral changes to the Danube's water conditions and water utilisation to be a serious violation of the nation's sovereignty and territorial integrity. The Government of the Czech and Slovak Federal Republic's steps are in further contravention of numerous international treaties, primarily the convention concluded in Belgrade on 18 August 1948 regarding the regulation of navigation on the Danube as well as the bilateral agreements concluded regarding co-operation on state borders.

The unilateral modification of the water conditions of a boundary river and the arbitrary closing off of natural power resources as a result thereof is contradictory to the basic principles governing the inviolability of state borders and the integrity of state territories to which the States participating in the

Council of Security and Co-operation in Europe acceded in the Helsinki Final Document and which they solemnly reinforced on 21 November 1990 in the "Charter of Paris for a New Europe."

The Government of the Republic of Hungary calls attention to the fact that the diversion of the Danube at river km 1851 was not provided for in any way in the 1977 Treaty and is, therefore, in contravention of that Treaty, as well.

Taking into account all the above mentioned circumstances, the Hungarian Government considers that an emergency situation is developing, and in accordance with the paragraph 1. of the Mechanism for Consultation and Co-operation with Regard to Emergency Situation, as it set forth in annex 2 of the Summary of Conclusions [sic], adopted by the First Meeting of the CSCE Council, requests the Government of the Czech and Slovak Federal Republic to provide the Hungarian Government, on the basis of the above described causes of concern with clarification on the following questions:

1. Does the Government of the Czech and Slovak Federal Republic confirm, in light of the above circumstances, that it is going to divert the Danube at 1851 river km into the Gabčíkovo power canal on 20th Oct 1992?
2. Is the Government of the Czech and Slovak Federal Republic ready to suspend the construction work aimed at the diversion of the border river while a joint expert committee investigates the disputed questions?
3. Does the Government of the Czech and Slovak Federal Republic consider the planned diversion of the Danube to be within the norms of international law mentioned in this Note?
4. How will the Government of the Czech and Slovak Federal Republic avoid the political tensions and instability resulting from the diversion of the Danube?

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Czech and Slovak Federal Republic the assurances of its highest consideration.

Budapest, 12 October 1992.

Annex 101

NOTE VERBALE FROM MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL REPUBLIC TO
THE EMBASSY OF THE REPUBLIC OF HUNGARY, 21 OCTOBER 1992

NOTE VERBALE

U.sz.: 108.250/92-MPO

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to the Embassy of the Republic of Hungary and has the honour to be able to convey the following with reference to the note sent by the Hungarian Ministry of Foreign Affairs of the Republic of Hungary numbered 4611/92, dated 18 October 1992 and concerning the formation of a trilateral committee of experts with the participation of the European Community to examine the questions of the construction and operation of the Gabčíkovo-Nagymaros Barrage System:

The Czechoslovak Party had proposed the inclusion of the European Community in the resolution of the dispute surrounding the Gabčíkovo-Nagymaros Barrage System in September 1990. The Czechoslovak Party proposed the establishment of the aforementioned trilateral committee during the meeting of the Governmental Delegations of the Republic of Hungary and the Czech and Slovak Federal Republic in July 1991.

In light of the fact that the Hungarian Party did not accept this Czechoslovak proposal, the Government of the Czech and Slovak Federal Republic was forced, by the procedures followed by the Hungarian Party, to arrive at a decision regarding the commencement of the temporary technical provisional solution.

The Government of the Czech and Slovak Federal Republic is ready to accept all conditions set by the Commission of the European Community with regard to the setting up of a trilateral Committee, and has decided that it will not start the closure of the Danube until the beginning of the work of the Committee, more precisely, until 2 November. At the same time, it does not consider the realisation of the temporary technical provisional solution to be a measure which would obstruct the Czechoslovak Party in being able to complete the plant according to the original plans or in any manner agreed between the Czech and Slovak Federal Republic and the Republic of Hungary based on the conclusions of the trilateral committee.

In relation to this, the Government of the Czech and Slovak Federal Republic is led to believe that the Hungarian Party has already arrived at two decisions which are not in harmony with the conditions set forth by the European Community.

1. It has arrived at a decision which would terminate the validity of the 1977 Treaty and related documents.
2. It has decided, unilaterally, to demolish the work ditch at Nagymaros.

Despite the Government of the Republic of Hungary's decision regarding the above, the Czechoslovak Party continues to stand prepared to form a trilateral committee and proposes that both Parties commit themselves to base any further decisions related to the Gabčíkovo-Nagymaros Barrage System on the conclusions of this committee. The Czech and Slovak Federal Republic's representatives have not made this commitment questionable on a single occasion.

Regarding the negotiations under preparation for the participation of the European Community Commission, the Czech and Slovak Federal Republic does not find it necessary to have the leaders of the two nations' Governmental Delegations meet prior to the trilateral meeting. If, however, the Hungarian Party insists on such negotiations, the Czechoslovak Party is also prepared to take part.

As far as the request made by the Republic of Hungary dated 17 August 1992 showing interest in the details of the temporary technical provisional solution is concerned, the Ministry of Foreign Affairs of

The Republic of Hungary of the Czech and Slovak Federal Republic is sorry to say that it has received no such request.

The Government of the Czech and Slovak Federal Republic once again reiterates its position that the temporary technical provisional solution has no effect on either the territorial integrity or the sovereignty of the Republic of Hungary nor does it violate Hungarian state borders.

The Ministry of Foreign Affairs of The Republic of Hungary of the Czech and Slovak Federal Republic avails itself of this opportunity to renew to the Embassy of the Republic of Hungary the assurances of its highest consideration.

Prague, 21 October 1992.

Handed to Ambassador György Varga
by Foreign Minister Jozef Moravcik
at 2:30 PM.

APPLICATION

of

THE REPUBLIC OF HUNGARY

v.

THE CZECH AND SLOVAK FEDERAL REPUBLIC

on

THE DIVERSION OF THE DANUBE RIVER

To the Registrar of the International Court of Justice

Sir,

The undersigned, acting as Agent of the Republic of Hungary, has the honour to institute proceedings before the International Court of Justice against the Czech and Slovak Federal Republic for its activities aimed at the construction of the so called "provisional solution" on the Danube that diverts without the explicit or tacit consent of the Hungarian Government the international river which constitutes the border between the two countries.

JURISDICTION

1. Hungary has made several attempts to settle the dispute through direct negotiations and has offered to resolve the dispute with the assistance of the Commission of the European Communities. Unfortunately, these efforts proved unsuccessful. The attitude of Czecho-Slovakia compels Hungary to initiate this matter before the Court, appearing as applicant. Hungary, in filing this Application to the Court, submits to the Court's jurisdiction for the purposes of this cause under Article 36, par. (1). So far Czecho-Slovakia appears not to have filed any declaration with the Court, although Hungary has invited it to do so. Czecho-Slovakia is qualified to submit to the jurisdiction in this matter and may, upon notification of this Application by the Registrar in accordance with the Rules of the Court, take the necessary steps to enable the Court to confirm jurisdiction over both Parties to the dispute pursuant to Article 36, par. (1) of the Statute. Hungary requests that a copy of the present Application be transmitted to Czecho-Slovakia in accordance with Article 38 of the Rules of the Court, to the Secretary-General of the United Nations, and, to other States entitled to appear before the Court under Article 42 of the said Rules.

STATEMENT OF FACTS

2. On 16 September 1977, the Hungarian People's Republic and the Socialist Republic of Czechoslovakia signed in Budapest a Treaty providing for the Construction and Joint Operation of the Gabčíkovo-Nagymaros Barrage System (hereinafter the "1977 Treaty"). According to the terms of the 1977 Treaty, the Parties agreed to build the Dunakiliti dam and reservoir, the Barrage System which included two hydro-electric power stations, one on Czecho-Slovak territory, at Gabčíkovo, and one on Hungarian territory, at Nagymaros, and a 25 km long by-pass canal for diverting the Danube from its original course through the system of locks and then back again. Originally, the 1977 Treaty called for putting the power generators into operation between 1986 and 1990; however, on 10 October 1983, the Parties signed a Protocol postponing the project for five years. This deadline was later changed to 1994.

3. During the years following the commencement of the project, the Hungarian public's attention and opinion evolved, focusing more and more on the need to protect the country's environment and natural resources. This ecological evolution, occurring simultaneously with Hungary's political evolution, brought about a popular reconsideration of environmental values not always measurable in economic terms; the acceptance of the key idea that sustainable development is a basic principle in the prudent management of natural resources. At the same time, the world saw a decline in the efficacy and prestige of technologies low in energy efficiency and high in raw-material consumption. Even before the change of government in Hungary during late 1989, popular resistance and protest against the project had grown. Due to this increasing public pressure, the Government was forced to initiate a scientific re-examination of the Barrage System's environmental effects in 1983. The report of the re-examination proposed postponing or canceling the project until a more comprehensive study could be done. Consequently, the continuation or suspension of the construction was a major issue during this period of time. Finally, in 1988 the Hungarian Parliament resolved that

"ecological interests must have priority ...", prompting the Government to order a re-evaluation of the project.

4. On 13 May 1989, as a result of the re-evaluation, the Hungarian Government decided to suspend construction at Nagymaros.¹ Hungary requested more time for further studies and sought a joint analysis of the ecological risks posed by the Barrage System; for both parties to explore alternatives. On 20 July 1989, the Prime Minister of Czecho-Slovakia was informed that the suspension of construction activities on Hungarian soil would continue at least until 31 October 1989. Negotiations started between experts from both states. New findings showed that not only the works at Nagymaros, but also at Dunakiliti, where the key lock of the reservoir was under construction, had to be suspended too. The Hungarian Government made the necessary decision and proposed on 20 July 1989 to the Czecho-Slovak Government a joint revision of the whole project including not only Nagymaros, but also the power station at Gabčíkovo and the reservoir at Dunakiliti.

5. Czecho-Slovakia refused the Hungarian proposals. In fact, on 31 August 1989, its Prime Minister warned in a letter of a possible "provisional solution"--the unilateral diversion of the Danube into Czecho-Slovak territory.

6. After the "velvet revolution" leading to the formation of a new Government in Czecho-Slovakia, Hungary had hoped that the new Prague Government would revise its stance on the issue in accordance with the earlier declarations of prominent personalities--including Mr. Vaclav Havel--who had condemned the Barrage System. Unfortunately, the Czecho-Slovak Prime Minister informed the Hungarian Government that Czecho-Slovakia insisted on proceeding with the project according to the 1977 Treaty.

7. Following the first free elections in Hungary, the new Government published its political programme on 22 May 1990, saying that it "considers the construction of the Danube Barrage System a mistake and will initiate, as soon as possible, negotiations on the rehabilitation and the sharing of the damages with the Czecho-Slovak Government to be elected". The Hungarian Government commissioner handed over to his Czecho-Slovak counterpart

details of its programme concerning the Barrage System.

8. After the consolidation of new political systems in both countries, inter-Governmental negotiations were resumed in April 1991. The Hungarian Parliament authorized the Government to enter into negotiations with Czecho-Slovakia on an agreement to terminate the 1977 Treaty, as well as on the preparation of a new treaty on the consequences of the abandonment of the project and the rehabilitation of the Danube area. Two more inter-governmental negotiations took place between Hungary and Czecho-Slovakia in July and December 1991. Czecho-Slovakia was not ready to agree and reiterated its determination to finish the project, affirming that it still intended to implement the "provisional solution" by putting into operation works constructed exclusively on Slovak territory. Hungary has consistently reminded Czecho-Slovakia that any unilateral measure would violate a number of rules of bilateral and multilateral treaties and of customary international law.

9. On 14 February 1992, after becoming convinced that the works at Cunovo were part of the provisional solution, the Hungarian Ministry of Foreign Affairs sent to Czecho-Slovakia a "note verbale" protesting the steps towards unilateral diversion of the Danube. In a reply note of 18 March 1992, the Czecho-Slovak Ministry of Foreign Affairs tersely refused the protest, preferring not to address in any detail Hungarian arguments. Unfortunately, this behaviour has been characteristic for the whole Czecho-Slovak negotiation strategy. Neither the Federal, nor the Slovak Government has ever readily discussed in depth any Hungarian ecological or legal arguments. Verbal and written communications from Czecho-Slovakia have consistently contained flat refusals and statements of intent to proceed unilaterally.

10. In a letter of 26 February 1992, Hungary's Prime Minister expressed his concern about the diversion of the Danube and repeated that this action would be a serious violation of the rules of international law. He warned that the behaviour of the Czecho-Slovak Government could compel Hungary to terminate the 1977 Treaty.

11. In a reply letter of 23 April 1992, the Czechoslovak Prime Minister termed the Hungarian request to cancel unilateral construction work as an "ultimatum". He announced that Czechoslovakia would not suspend, but would continue to proceed with the "provisional solution", indicating that on 31 October 1992, the diversion of the Danube would begin.

12. At the intergovernmental negotiations of 2 December 1991 and repeatedly afterwards, latest on 8 May 1992, the Hungarian Government proposed to the Czechoslovak Government initiating trilateral investigations, and a simultaneous moratorium on execution of the "provisional solution". In the meantime, namely, Hungary accepted the Czechoslovak request that the Commission of the European Communities provide assistance to find a technically and economically feasible solution to the issue. On 13 April 1992 the Commission responded positively to the request, declaring its readiness to chair a trilateral Committee of experts. At the same time the Commission laid down the condition that during the investigations both countries refrain from steps that would "prejudice" possible actions to be undertaken on the basis of the Committee's findings. Unfortunately, Czechoslovakia refused the Hungarian proposal, maintaining that Czechoslovakia was unwilling to suspend work on the "provisional solution". Thus, the EC Commission's most important condition was not met and the trilateral Committee was unable to begin investigations.

13. Under these circumstances, Hungary was left with no option but to terminate the 1977 Treaty. It did so by Government declaration on 16 May 1992, effective date 25 May 1992. The declaration called upon the Government of the Czech and Slovak Federal Republic "to take measures towards the immediate stoppage of all work and construction related to the Gabčíkovo-Nagymaros Barrage system". In a short "note verbale" of 22 May 1992 the Czechoslovak Government--again without elaboration--responded to the declaration. According to the note, the Hungarian declaration did not refer to sufficient legal grounds for termination, thus Czechoslovakia would continue to view the 1977 Treaty as in force. After being informed about the Hungarian decision to terminate the Treaty, the Vice-president of the Commission of the European Communities, in a letter dated 29 June 1992,

again offered the assistance of the Commission in resolving the dispute, maintaining the same conditions set in the previous letter of 13 April 1992.

14. The representative of Czecho-Slovak Federal Republic to the Danube Commission informed the Commission by letter on 5 August 1992 that the Danube will be cut through at river kilometer 1851 and thus navigation will be suspended for about 10 days, some time between 15 October and 30 November. According to the letter, when the level of the river reaches 128 meters above the Baltic sea level, the course of navigation will be diverted to the artificial canal and, thus, to the locks at Gabcikovo. On 6 August 1992, the Director of the Secretariat of the Danube Commission informed the Hungarian representative of this fact. The Hungarian representative protested to the Commission against the diversion on 17 August 1992 and requested that Czecho-Slovakia forward more details on the diversion. Czecho-Slovakia did not respond to the Hungarian request. But, on 5 October 1992 informed the Danube Commission that the diversion will be effective as of 20 October 1992.

15. On 6 August 1992, the Hungarian Prime Minister urged his counterpart to respond to the Hungarian request to cancel all work on the Barrage System. He indicated that Hungary was considering whether to bring the dispute before the International Court of Justice (ICJ) as the preparation to divert the Danube continued. On 18 August 1992, the Hungarian Prime Minister definitely proposed to Czecho-Slovakia that the two parties bring the case by consent before the ICJ. The Czecho-Slovak Prime Minister responded on 23 September 1992 that he would prefer the assistance offered by the European Communities, but did not refuse the Hungarian proposal regarding the ICJ. He also stated that the "provisional solution" is just a fulfillment of the "still existing" 1977 Treaty, contending that there would be no "diversion" of the Danube, and the planned construction would not infringe the territorial integrity of Hungary. Rather, he claimed that it would merely lead to the use of a certain amount of water, as foreseen by the 1977 Treaty.

16. The Prime Minister of Slovakia visited Budapest on 8 September 1992 and agreed with his Hungarian counterpart that negotiations should start between the ministries of foreign affairs on the possible mandate of the trilateral Committee, as had been suggested earlier by the European Commission. The two Prime Ministers also talked about the mutual acceptance of the jurisdiction of the International Court of Justice. Following that, on 28 September 1992 the Hungarian Prime Minister proposed to his Czechoslovak counterpart in a letter negotiations on the mandate of the trilateral Committee.

17. Probably responding to some Hungarian statements in the press about a wish of the Government to bring the dispute before the Court, the Prime Minister of the Czechoslovak federal Government sent another letter on 2 October 1992 to the Hungarian Prime Minister. He reiterated his satisfaction with the readiness of Hungary to enter into negotiations on the mandate of the trilateral Committee. With regard to the International Court of Justice, he wrote that he still preferred the assistance of the European Communities. He suggested that any negotiation on bringing the case before the Court would take a very long time, because of delays caused by domestic procedures required by the Czech and Slovak constitution, however, he did not explicitly refuse the jurisdiction of the Court.

18. The negotiations of the ministries of foreign affairs took place in Prague on 13 October 1992. The Czechoslovak delegation was still unwilling to accept the condition of the Vice-president of the Commission of the European Communities, i.e., the suspension of unilateral measures. Consequently, the two delegations did not come to any agreement. This unwilling Czechoslovak position was reaffirmed by the "note verbale" of the Czechoslovak Government, handed over to the Ambassador of the Hungarian Republic in Prague on 21 October 1992. At the inter-governmental negotiations in Brussels on 22 October 1992, chaired by the representative of the EC Commission, aiming at establishing the trilateral expert Committee, the Czechoslovak Government again rejected the moratorium on diversion. Meanwhile the works of cutting through and diversion of the Danube were in actual operation.

19. According to Hungarian experts, if Czecho-Slovakia follows through with the "provisional solution", irreversible damage to the ecology and environmental resources of the region will occur. The presently available and potential drinking water reserves of millions of people are threatened. The vegetation and fauna of the region are endangered by degradation and extinction. Moreover, imminent catastrophe can occur to the population due to barrages and dams. The stability of certain parts of the embankment cannot be considered safe against earthquakes that are likely here.

LEGAL ARGUMENTS

20. The diversion of the Danube violates Hungarian sovereignty and territorial integrity. The Danube is an international river, which upon leaving the area of Bratislava becomes a border river between Hungary and Czecho-Slovakia. Thus, this section of the Danube, until it reaches the area of Sturovo, is under the territorial jurisdiction of the two states. Although the main course of navigation, "Talweg," divides the jurisdiction between the two states, one state may not unilaterally dispose of that part of the river, which would otherwise be under its jurisdiction. Rather, a type of parallel sovereignty exists over the river, as reflected, among other agreements, in the 1921 Protocol of the Barcelona Conference. Consequently, while a state may, indeed, change the course of a river which is solely under its jurisdiction, a state must not do the same with a section which serves as a border between two states. Because the diversion of the Danube on Slovak territory would affect the portion of the river currently serving as the border, the diversion clearly violates Hungarian sovereignty and territorial integrity.

21. The diversion of the Danube violates the provisions of the 1947 Paris Peace Treaty pertaining to the demarcation of Hungarian borders. According to Art. 1, par. 4 (b) of the 1947 Treaty, "[t]he frontier between Hungary and Czecho-Slovakia is hereby restored as it existed on January 1, 1938" subject to a few minor exceptions (in fact that territory, facing Bratislava on the right riverbank where from now the unilateral diversion of the Danube would be

carried out on Czecho-Slovak territory). With these minor exceptions, the 1938 borders were identical with those that had been determined by the 1920 Trianon Peace Treaty. According to Art. 27, par. 4 of the Trianon Peace Treaty, the border of Hungary is "le cours principal de navigation du Danube". Art 1, par. 4 (c) of the Paris Peace Treaty in describing the slight deviations of the borders from 1938 borders defines the border in the same manner, as does Art. 2, par. (3) of the bilateral Treaty on Regulation of the Regime of State Borders of 1956 between Czecho-Slovakia and Hungary. As noted in the Statement of Facts, point 14, the representative of Czecho-Slovakia in the Danube Commission informed the Commission's members that precisely at this section of the river the Danube would be diverted. According to Art. 3, par. (1) of the 1956 Bilateral Treaty on Borders, only natural changes in the watercourse of the river would have an altering effect on the borderline. Any change that would result in the alteration of the borderline would have to be by the mutual consent of both Parties. Since in the case of the planned diversion, no mutual consent exists, the border would remain as the present water course regardless of diversion. The diversion, however, would alter the character of the border completely because the main course of navigation would no longer correlate with the borderline, depriving Hungary of its lawful jurisdiction over a major economic lifeline. Clearly, the Parties, upon signing the Treaty in 1956, never foresaw any unlawful, unilateral change in the main course of navigation of the Danube.

22. Czecho-Slovakia's "provisional solution" infringes its bilateral Agreement with Hungary on the Management of Water-Supplies of Border Waters, concluded in 1976. According to Art. 3, par. 1 of the Agreement, the two states agree that "(a) ... without mutual consent they do not take any action in the management of water-supplies that would unfavourably interfere with the mutually determined conditions of the waters and (b) ... they make use of riverbeds ... in such a manner that they do not cause damages to each other". According to Art. 4, par. 3, "a preceding approval is required by both Parties, in accordance with their domestic legal rules for an action of management that would result in the alteration of the line or character of the State borders". Thus, clearly, any unilateral action by either Hungary or Czecho-Slovakia is unlawful.

23. The diversion of the river does not conform with the rules set forth in the multilateral Convention concerning the Regime of Navigation on the Danube, concluded in Belgrade on 18 August 1948. At the time of this Convention's conclusion, the possibility that a state would divert the Danube unilaterally seemed completely impossible. Consequently, the Convention does not contain a specific prohibition against diversion. Art. 3 provides, however, that "states may within their own jurisdiction undertake works for the maintenance of navigation, the execution of which is necessitated by urgent and unforeseen circumstances." Art. 5 also requires states to consult the Danube Commission if they wish to carry out works, while Art. 8 places under the Danube Commission's jurisdiction the carrying out of all works on the Danube. The implication of these provisions is that a country cannot unilaterally divert the Danube.

24. The "provisional solution" violates the rules and principles of customary international law that regulate the status and utilization of transboundary environmental resources such as international rivers. The "provisional solution" would deprive Hungary of its due share of water quantity, water quality and power potential and would substantially impair the quality and quantity of other natural resources, such as the forests of the flood area, the ground water reserves and the genetic diversity of the region, all of which form an integral unit with the watercourse. According to well established principles and rules of international environmental law, any state act affecting a transboundary resource must be in conformity with certain principles and rules of customary international law. A discussion of those relevant to Czechoslovakia's "provisional solution" follows.

25. States shall maintain ecosystems and related ecological processes essential for food production, health and other aspects of human survival and sustainable development of the region in which the transboundary resources are to be found. Several documents reflecting the intentions of the international community contain this obligation: Principles 1 - 3 of the World Charter for Nature adopted by the General Assembly of the United Nations (UN General Assembly Resolution No. 37/7 adopted on 28 October 1982, "World Charter for Nature"), Principle 3 of the Legal Principles for

Environmental Protection and Sustainable Development Adopted by the World Commission on Environment and Development Experts Group on Environmental Law ("Experts Group"), and article 5 of the IUCN Draft Covenant on Environmental Conservation and Sustainable Use of Natural Resources ("IUCN Draft"). The devastating effects of the "provisional solution" which would break the life supporting systems of the region violate Hungary's right to have unimpaired jurisdiction over those essential ecosystems and related ecological processes.

26. States are under a duty to ensure the survival and promote the conservation in their natural habitat of fauna and flora, in particular those which are rare, endemic or endangered. Experts Group Principle 3 (b), the World Charter for Nature Principle 3, and IUCN Draft Art. 5 provide support for the wide-spread acceptance of this Principle. Studies have demonstrated that the "provisional solution" would cause the disappearance of species diversity and genetic varieties, and that eventually eighty or ninety percent of the flora and fauna would vanish.

27. States shall co-operate in good faith in the implementation of the principles affecting transboundary resources. The Charter of the United Nations, customary international law and several bilateral and multilateral treaties binding on Czecho-Slovakia and Hungary oblige these countries to negotiate in good faith and in a spirit of co-operation. Of particular importance and priority is co-operation aimed at optimizing use of a transboundary natural resource or preventing or abating a transnational environmental interference. The duty requires such co-operation in the prevention of disputes, as well as in the settling of disputes. The Lake Lanoux Arbitration highlighted the particular importance of cooperation in the use of waters of an international watercourse, stressing the duty of states to cooperate in maintaining or restoring their reasonable and equitable use or in counteracting transboundary environmental interference. Hungary has been and continues to be ready to start meaningful negotiations with Czecho-Slovakia on how to reconcile the conflicting sets of interests in accordance with international law.

28. States shall use transboundary resources in a reasonable and equitable manner with a view to attaining optimal utilization thereof consistent with the adequate protection of the transboundary resource. A number of cases and documents indicative of customary international law have contained this duty of states to use transboundary resources in a reasonable and equitable manner. The Permanent Court of International Justice in the River Oder case first established the principle of equitable utilization of rivers, stating that "[t]his community of interests in a navigable river becomes the basis of a common legal right, the essential features of which are the perfect equality of all riparian states in the use of the whole course of the river..." Art. 5 of the ILC Draft on the Law of Non-navigational Uses of International Watercourses ("ILC Draft") specifically includes this Principle entitling states to use a reasonable and equitable share of the waters of an international watercourse. According to custom and practice, a reasonable and equitable share in the beneficial uses of the waters of an international drainage basin should be determined in light of all relevant factors. The importance of these concepts has been stressed in Europe in the Convention on the Protection and Use of Transboundary Watercourses and International Lakes' Art. 2, prepared under the auspices of the UN Economic Commission for Europe. The Convention not only obliges the Parties to rational management, but also to a use which is ecologically sound, conserves the water resources and protects the environment. If conflict arises between uses of an international watercourse the ILC Draft Art. 10 par. 2 states that it has to be resolved with reference to these factors "special regard being given to the requirements of vital human needs".

29. States planning to carry out or permit activities which may entail a transboundary interference or a significant risk thereof with the reasonable and equitable use of a transboundary natural resource or which may entail a transboundary environmental interference causing significant adverse effects in an area under the jurisdiction of another State shall provide that State with timely notification. Such notification shall be accompanied by available technical data and information in order to enable the notified state to evaluate the possible effects of the planned measures. According to Art. 12 of the ILC Draft as well as Art. 3 of the ESPOO Convention which embodies

general international law in case of dams and large reservoirs, the Party of origin (Czecho-Slovakia) is under a duty to notify when that activity is likely to cause a significant adverse transboundary impact. Czecho-Slovakia has never provided Hungary with appropriately detailed notice through official channels of its planned actions. Nor has Czecho-Slovakia officially provided Hungary with the technical data and information to assess the full damage that will occur upon implementation of the "provisional solution".

30. Consultations shall be held in good faith, upon request, at an early stage between the notifying state and the potentially or actually affected state with a view to arriving at an equitable resolution of the situation. During these consultations both States must in good faith pay due regard to the rights and legitimate interests of the other State. The consultations must consider possible alternatives to the proposed activity, including the no-action alternative and possible measures to mitigate appreciable adverse effects. As stated in the Lake Lanoux Arbitration, although the obligation to consult does not imply an obligation to reach agreement, "it did [sic] oblige the State to pursue the consultations as far as possible with a view to concluding an agreement." Hungary has attempted in good-faith to consult with the aim of reaching an agreement; Czecho-Slovakia has refused.

31. States shall take precautionary measures to anticipate, prevent or minimize damage to their transboundary resources and mitigate adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing such measures. Art. 2, paragraph 5 (a) of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted in Helsinki on 17 March 1992, as well as the IUCN Draft Art. 6 and the Bruntland Report, Art. 10, provide support for the obligation in general international environmental law to apply the precautionary principle to protect a transboundary resource. This duty has extreme importance in this dispute where the damage threatening Hungary is irreparable and enormous.

32. A State is responsible under international law for a breach of an international obligation relating to the use of a natural resource and is under

an obligation to cease the internationally wrongful act, re-establish the situation which would have existed if the act had not taken place and provide compensation for the harm which resulted from the wrongful act. Similarly, states are bound to the fundamental rule *sic utere tuo ut alienum non laedas*. This rule implies the duty not to cause significant harm to other watercourse states in any manner. These principles have been reflected in a number of decisions and documents during the last fifty years indicating its wide spread acceptance and legal significance. The judgment of the International Court of Justice in the Corfu Channel case in 1949, the Trail Smelter arbitral award in 1941, Art. 7 of the ILC Draft, Principle No. 21 of the Stockholm Declaration, Principles 21 and 22 of the World Charter for Nature, and most recently the Principle 15 of the Rio Declaration all incorporate this principle. As demonstrated in the above paragraphs, the "provisional solution" violates a number of Czecho-Slovakia's international legal obligations and causes exactly that type of prohibited harm.

33. Czecho-Slovakia cannot claim that the "provisional solution" goes no further than the goals and obligations set in the--by now terminated--Treaty of 1977. Arguing that the "provisional solution" is a mere realization of the 1977 Treaty flies in the face of reality. Firstly, the 1977 Treaty does not exist any longer; its implementation terminated effective 25 May 1992. Any action based on an alleged treaty must be evaluated on the basis of other rules in force between Hungary and Czecho-Slovakia. As stressed above, neither bilateral or multilateral treaties in force between Hungary and Czecho-Slovakia, nor general international law governing the protection, maintenance and use of transnational natural resources entitles Czecho-Slovakia to divert the Danube into its territory without the express consent of Hungary. Secondly, even if provisions of the 1977 Treaty were still applicable, the "provisional solution" would be in conflict with them. The 1977 Treaty balanced rights and duties of both states, attempting to establish material equality in the construction and operation phase of the project. The parties had to agree upon every significant step; they had to develop the plan of operation jointly and implement it using detailed mechanisms for harmonization of interests. The benefits of the operation would have accrued proportionally to both parties. The Barrage System was

designed to be placed in certain locations different from the site of the "provisional solution". Therefore, the arbitrary act of Czechoslovakia significantly prejudices the territorial rights of Hungary, rights which would have been either unaffected or regulated with the consent of Hungary if the 1977 Treaty had been fully implemented and not already terminated. The reply note of the Czechoslovak Ministry of Foreign Affairs, dated 18 March 1992, contended that the "provisional solution" is being carried out in order to fulfill the 1977 Treaty because of the suspension of construction on the Hungarian side. This argument would be incorrect even if the Treaty were still in force. The present practice of general international law, namely, does not accept the teleological way of interpretation and application of international treaties. This is plainly demonstrated by the discussions of the UN International Law Commission on the Law of Treaties (see *Yearbook of the International Law Commission*, 1966, vol. 2, p. 219).

SUBMISSIONS

34. Hungary requests the Court to adjudge and declare, after considering the contentions of the Parties,

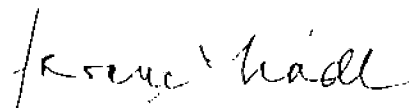
- (1) that the so called "provisional solution", i.e., the diversion of the Danube, constitutes a violation of general rules of international law and specific provisions of bilateral and multilateral treaties and agreements,
- (2) that Czechoslovakia immediately cancel all works that are aimed at the construction of the "provisional solution", irrespective of whether the construction is in an area of the Danube solely under Slovak sovereignty or in the area along the common section of the Danube,
- (3) that the main course of navigation of the Danube be unaltered by Czechoslovakia,
- (4) furthermore, order, due to the urgency of this matter, the immediate suspension of works towards the "provisional solution's" implementation, pursuant to Art. 41, par. 1 of the Statute of the Court, if Czechoslovakia consents to the Court's jurisdiction.

35. Hungary will submit to the Court as early as possible all necessary documents that are referred to in this Application that are not yet enclosed in the Annexes. Hungary generally reserves the right to supplement and modify its submissions. In particular, Hungary reserves the right to request the Court to order practical measures to ensure compliance by Czecho-Slovakia with the judgment to be delivered by the Court. Hungary further reserves the right to ask the Court to set reparations which Czecho-Slovakia shall pay to Hungary in conformity with Article 36 (2) (d) of the Statute of the Court.

The undersigned is appointed by the Government of the Republic of Hungary as its Agent for the purpose of the present Application and all proceedings thereon. He is authorized to inform the Court that for the purpose of all notifications and communications to be made in these proceedings, the Hungarian Government selects as its address the Hungarian Embassy at The Hague.

Budapest, 22 October 1992

Very truly yours,



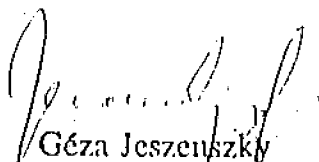
Prof. Ferenc Mádl

Minister without Portfolio

Agent for the Government of the Republic of Hungary

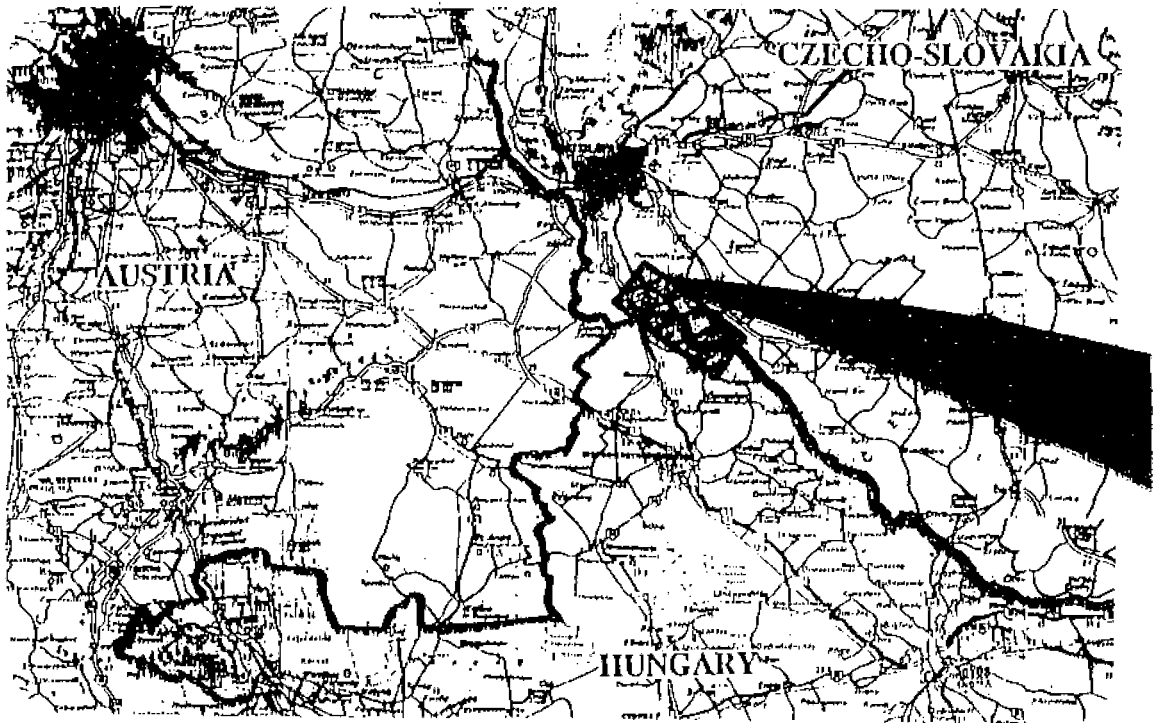
I, the undersigned, the Minister of Foreign Affairs of the Republic of Hungary, certify the authenticity of the above signature of Minister Ferenc Mádl, Agent for the Government of the Republic of Hungary.

Budapest, 22 October 1992

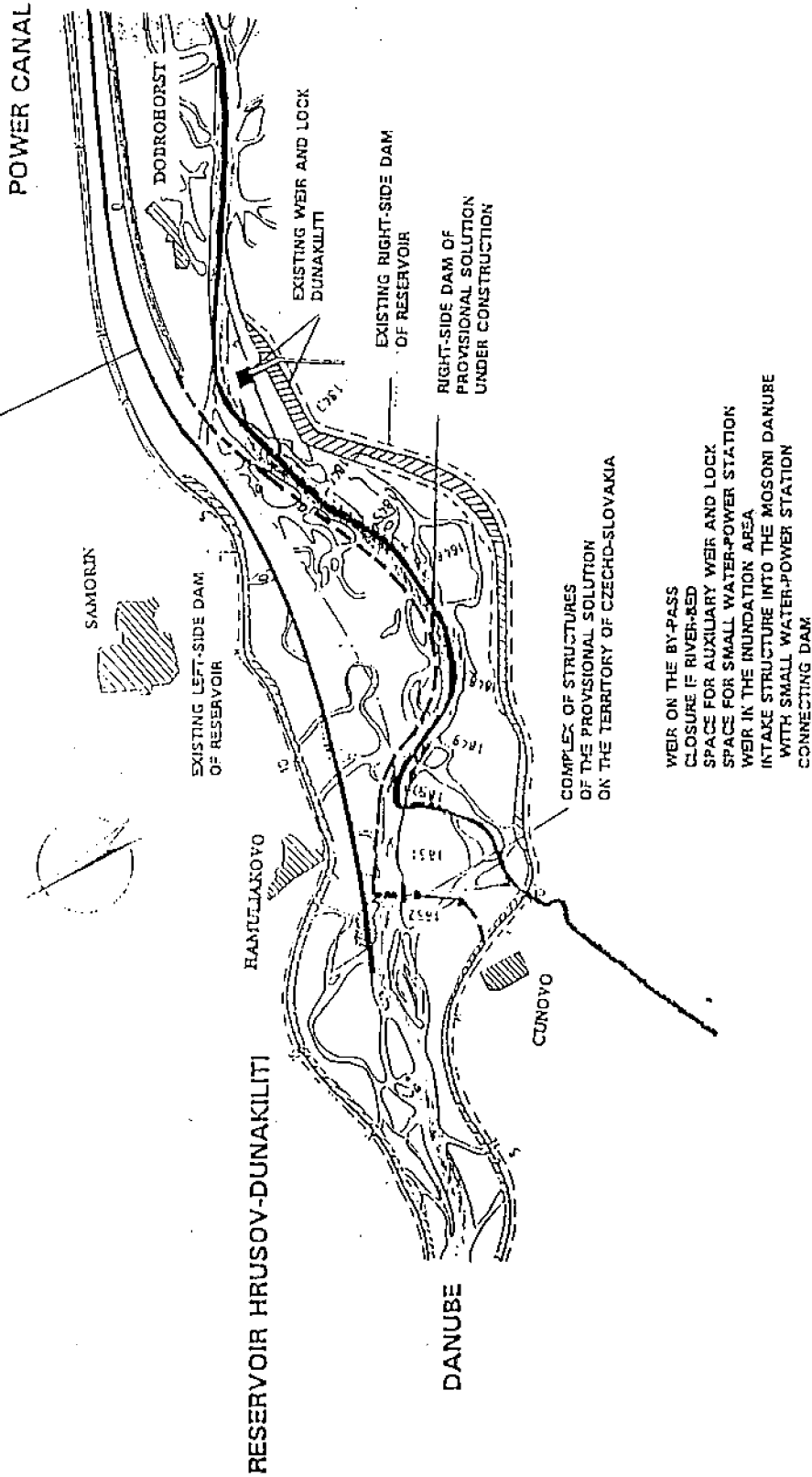


Géza Jeszenszky
Minister of Foreign Affairs

PROVISIONAL SOLUTION OF GABCIKOVO ON THE TERRITORY OF CZECHO-SLOVAKIA



THE MAIN COURSE OF NAVIGATION
AFTER DIVERSION OF DANUBE



WEIR ON THE BY-PASS
CLOSURE IF RIVER-BED
SPACE FOR SMALL WATER-POWER STATION
WEIR IN THE INUNDATION AREA
INTAKE STRUCTURE INTO THE MOSONI DANUBE
WITH SMALL WATER-POWER STATION
CONNECTING DAM

Annex 103

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL REPUBLIC TO THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY, 27 OCTOBER 1992

NOTE VERBALE

Appendix to 30-51/adm/1992

Usz: 108.858/92-MPO

This morning at 10:15 AM, Federal Prime Minister Jan Strasky and Federal Foreign Minister Jozef Moravcik handed over the following note:

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to the Ministry of Foreign Affairs of the Republic of Hungary and has the honour to be able to convey the following.

The Government of the Republic of Hungary, in keeping with the consultations pertaining to this extraordinary situation and as a first stage in the process of co-operation, requested, in a note dated 23 October 1992, that the Government of the Czech and Slovak Federal Republic give an explanation to the Government of the Republic of Hungary on the questions regarding the diversion of the Danube.

In keeping with Point 1.1 of this process, the Government of the Czech and Slovak Federal Republic is asked to reply to the Government of the Republic of Hungary on the question posed in the above mentioned *Note Verbale*.

The Government of the Czech and Slovak Federal Republic has not agreed to the suspension of work at river km 1851.

The Government of the Czech and Slovak Federal Republic maintains the legal position expressed in previous statements by the responsible authorities of the Czech and Slovak Federal Republic.

Copies of this present note shall be delivered, by way of the Secretariat of the European Conference on Security and Co-operation, to the other participating nations and to the Chairman of the council of leading officials.

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Hungary the assurances of its highest consideration.

Prague, 27 October 1992.

Annex 104

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL
REPUBLIC TO THE EMBASSY OF THE REPUBLIC OF HUNGARY, 5 NOVEMBER 1992

NOTE VERBALE

Usz: 109.362/92-MPO

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to for the Embassy of the Republic of Hungary and has the honour to be able to propose, with reference to point 4 of the minutes taken during the meeting of representatives of the Czech and Slovak Federal Republic, the Republic of Hungary and the European Community in London on 28 October 1992, that negotiations begin between the Czech and Slovak Federal Republic and the Republic of Hungary regarding a compromise (special agreement) according to article 40, para. 1 of the Charter of the International Court, according to which the Czech and Slovak Federal Republic and the Republic of Hungary would petition the International Court to be allowed to place before it the issue of the Gabčíkovo-Nagymaros Barrage System, built on the basis of the Interstate Treaty and the related treaty document signed by the Czech and Slovak Federal Republic and the People's Republic of Hungary on 16 September 1977. It is by this compromise that the Czech and Slovak Federal Republic and the Republic of Hungary would be able to define those questions which the International Court would decide.

The Ministry of Foreign Affairs of the Czech and Slovak Federal Republic avails itself of this opportunity to renew to the Embassy of the Republic of Hungary. The assurances of its highest consideration.

Prague, 5 November 1992.

Annex 105

Agreed Minutes of the meeting between the CSFR, Hungary and the European Commission on the Gabčíkovo/Nagymaros project, Brussels, 27 November 1992.

The parties expressed their appreciation for the quality of the report by the Working Group of experts and the speed at which it was produced.

On the basis of the London Agreed Minutes of October 28 1992 and the above report the following was agreed

- The CSFR and Hungary reconfirmed their commitment to submit the dispute connected with the Gabčíkovo-Nagymaros project with all its aspects, including legal, financial and ecological elements, to the International Court of Justice. To this end they undertake to establish jointly, on the basis of the progress made so far, the special agreement for the submission in the very near future. For this purpose a meeting will take place in Budapest in the week beginning 30 November 1992.
- The CSFR and Hungary agree to apply, pending the judgement by the International Court of Justice, a temporary regime of management of the Danube water along the lines of the London Agreed Minutes of 28 October 1992 and based upon the report of the Working Group of experts. At the request of the two delegations the Commission will provide technical support for the operation of such a regime.
- The parties agree to hold a further tripartite meeting in Brussels within fifteen days to finalize the necessary arrangements for the above.

For the CSFR Delegation,

For the Hungarian Delegation,

For the European Commission Delegation,

Annex 106

COUR INTERNATIONALE DE JUSTICE INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3824441 TÉLEX: 32323
 TÉLÉGR.: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3849928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 3824441 TELEX: 32323
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3849928

87844

4 December 1992

Sir,

- I have the honour to transmit to Your Excellency herewith a copy of
 /. a letter from the Minister for Foreign Affairs of the Czech and Slovak
 /. Federal Republic dated 18 November 1992, and received in the Registry on
 /. 27 November 1992, and of the Agreed Minutes of the meeting of 28 October
 1992, referred to in, and enclosed with, that letter. The letter was
 accompanied by an unofficial English translation, a copy of which is also
 enclosed.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia-Ospina
 Registrar

His Excellency
 Professor Ferenc Mádl
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague .

Unofficial translation

Prague, November 18, 1992

Ref. No.: 110.800/92-MPO

Dear Sir,

Referring to your letter No. 87.698 of October 23, 1992, concerning the Application of the Republic of Hungary v. the Czech and Slovak Federal Republic on the diversion of the Danube river, I have the honour to inform you that on October 28, 1992 a meeting of representatives of the Czech and Slovak Federal Republic, the Republic of Hungary and the Commission of the European Communities on the Gabčíkovo-Nagymaros project was held in London.

Pursuant to point 4 of the Agreed Minutes of the meeting, a copy of which I hereby enclose for your information, the Government of the Czech and Slovak Federal Republic proposed on November 5, 1992 to the Government of the Republic of Hungary to start negotiations on a Special Agreement, under Article 40, paragraph 1 of the Statute of the International Court of Justice. On the basis of this Special Agreement, the dispute concerning the Gabčíkovo-Nagymaros System of Locks, constructed under the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic of September 16, 1977 and documents related to the Treaty, should be submitted to the International

Court of Justice. The Czech and Slovak Federal Republic is interested in a complex examination, by the International Court of Justice, of the whole problem connected with the implementation of the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks and not merely of one partial issue.

In the event of the conclusion of a Special Agreement between the Czech and Slovak Federal Republic and the Republic of Hungary, a part of which will be also questions to be decided by the International Court of Justice, I will inform you, Sir, as soon as possible.

Accept, Sir, the assurance of my highest consideration.

Mr Bernard Noble
Deputy-Registrar
International Court of Justice
The Hague

MINISTR ZAHRANIČNÍCH VĚCÍ ČSFR
Jozef MORAVČÍK

COPY

V Praze dne 18. listopadu 1992
Č.j.: 110.800/92-MPO

Vážený pane,

s odvoláním na Vaš dopis č. 87.698 ze dne 23. října 1992 ve věci žaloby Maďarské republiky proti České a Slovenské Federativní Republice ve věci odklonění toku řeky Dunaje mám čest Vás informovat, že dne 28. 10. 1992 se uskutečnila v Londýně schůzka zástupců České a Slovenské Federativní Republiky, Maďarské republiky a Komise Evropských společenství o projektu Gabčíkovo-Nagymaros.

V souladu s bodem 4 Zápisu z této schůzky, jehož kopii pro Vaši informaci zasílám v příloze, se vláda České a Slovenské Federativní Republiky obrátila 5. 11. 1992 na vládu Maďarské republiky s návrhem na zahájení jednání o kompromisu podle čl. 40 odst. 1 Statutu mezinárodního soudního dvora. Na základě tohoto kompromisu by měl být spor týkající

Vážený pan

Bernard N o b l e
zástupce tajemníka
Mezinárodního soudního dvora

H a a g

se Soustavy vodních děl Gabčíkovo-Nagymaros, která je budována na základě Smlouvy mezi ČSSR a MLR z 16. 9. 1977 a na ní navazujících smluvních dokumentů, předložen Mezinárodnímu soudnímu dvůru. Česká a Slovenská Federativní Republika má zájem na tom, aby Mezinárodní soudní dvůr posoudil komplexně celou problematiku spojenou s realizací Smlouvy mezi ČSSR a MLR o výstavbě a provozu Soustavy vodních děl Gabčíkovo-Nagymaros a nikoli pouze jednu dílčí otázku.

V případě, že dojde k uzavření kompromisu mezi Českou a Slovenskou Federativní Republikou a Maďarskou republikou, jehož součástí budou i otázky, které má Mezinárodní soudní dvůr rozhodnout, budu Vás, vážený pane, o této záležitosti informovat.

Přijměte, vážený pane, projev mé hluboké úcty.

Moravský

COMMISSION
OF THE EUROPEAN
COMMUNITIES

Agreed Minutes of the meeting between Czechoslovakia, Hungary and
the European Commission on the Gabčíkovo-Nagymaros project,
Brussels, 10-11 December 1992.

1. The Czechoslovak and Hungarian Delegations exchanged views on possible modalities for the temporary Danube Water Management Regime to be applied pending the judgment of the International Court of Justice as envisaged by the tripartite Meeting in Brussels on 27 November 1992.

The discussions were along the lines of the London Agreed Minutes of 28 October and based on the Expert Working Group report of 23 November.

In an attempt to outline the broad features of a temporary regime the Delegations considered the possibility of combining several of the scenarios contained in the report.

It was agreed that further detailed technical discussions at experts level would take place in the near future with a view to accelerating the establishment of the temporary water regime.

2. The Czechoslovak delegation informed the meeting that it will use all means and take all necessary measures to repair the damage caused by the floods of 23-24 November as soon as possible, so that the temporary Water Management Regime envisaged at the Tripartite Meeting on 27 November will start functioning. The parties further agreed that a target date for this should be on or around 15 March 1993. Czechoslovakia will make available to the other two parties detailed information on these works.
3. The parties discussed the establishment of a Joint Czechoslovak/Hungarian Water Management Committee. At the request of the Czechoslovak and Hungarian Delegations the European Commission would provide technical assistance.

4. The parties discussed and made further progress on a draft special Agreement for the submission of the case concerning the Gabčíkovo-Nagymaros project to the International Court of Justice in the near future. The parties agreed to continue discussion aiming at the early finalisation of this text.
5. The parties undertook to reconvene not later than 20 January 1993 with a view to reach agreement on the temporary Water Management Regime.

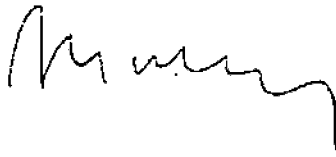
For the Czechoslovak Delegation,



For the Hungarian Delegation,



For the European Commission Delegation,



Signed at Brussels this 11th Day of December 1992.

Annex 108

**NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL
REPUBLIC TO THE MINISTRY FOR FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY, PRAGUE, 18
DECEMBER 1992**

Note Verbale

Embassy of the Republic of Hungary

Prague

The Ministry for Foreign Affairs of the Czech and Slovak Federal Republic has the honour to present its compliments to the Ministry for Foreign Affairs of the Republic of Hungary. Referring to the Note Verbale of 4 December, 1992, No 112654/92, it has the privilege to forward the Note Verbale of the Ministry for Foreign Affairs of the Slovak Republic on the request for recognition and the establishment of diplomatic relations at ambassador level.

The Federal Ministry for Foreign Affairs of the Czech and Slovak Federal Republic avails itself of this opportunity to again ensure the Ministry for Foreign Affairs of the Republic of Hungary of its deepest respect.

Prague, 18 December 1992

21st round stamp of the
Federal Ministry for
Foreign Affairs of the Czech and
Slovak Federal Republic

Annex 109

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE SLOVAK REPUBLIC TO THE MINISTRY FOR FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY, BRATISLAVA, 18 DECEMBER 1992

Note Verbale**Embassy of the Republic of Hungary in the Czech and Slovak Republic****Prague**

The Ministry of Foreign Affairs of the Slovak Republic has the honour to present its compliments to the Ministry for Foreign Affairs of the Republic of Hungary and respectfully notifies them that from 1 January, 1993 on the termination of the Czech and Slovak Federal Republic, it becomes an independent, sovereign, separate state on the basis of the constitutional law. The Slovak Republic which originated from the disintegration of the Czechoslovak Federation becomes a successor state.

Commencing from the Declaration of the National Council of the Slovak Republic to the Parliaments and the Nations of the World, the Government of the Slovak Republic regulates itself in its domestic and foreign policies to the same values such as respecting human rights and fundamental freedoms without reservation, to the principles of plural democracy and to the rule of law, the achievement of which is a basis for freedom, justice and peace as is similar to the democratic countries.

The Government of the Slovak Republic in the course of its international relations adjusts itself to the regulations of International Law and to the aims and principles which are laid down in the UN Charter and in the final act of the Helsinki Process and in related documents. It will assist the development of co-operation in Europe with the aim of the creation of an effective security system.

The Government of the Slovak Republic consistently fulfils the obligations which were undertaken in the fields of disarmament, non-proliferation, and the reduction of military forces and military stores to the level required for defence, and makes efforts to strengthen trust and stability on the basis of multi- and bilateral relations.

The Government of the Slovak Republic in harmony with international norms will observe the rights of national minorities and fulfils its obligations.

In accordance with, and to the extent as determined by, the existing norms of International Law, the Slovak Republic in its capacity of one of the Successor States of the Czech and Slovak Federal Republic, considers itself bound with effect from 1 January 1993, by all bilateral and multilateral treaties to which, until this time one of the parties was the Czech and Slovak Federal Republic.

On the basis of the authorised constitutional law and on the Treaty between the Slovak Republic and the Czech Republic on the Division of the Federal Property the Slovak Republic undertakes the financial responsibilities of the Czech and Slovak Federal Republic assigned to it towards third countries and international organisations.

The Government of the Slovak Republic in the interest of speedily adapting itself to the international community turns with a request to the Government of the Republic of Hungary to observe the Slovak Republic as a sovereign state and to be ready to establish diplomatic relations at ambassador level. It will develop mutual relations on the basis of the principles of independent equality, non-intervention in domestic policy, respect for territorial and political sovereignty, the inviolability of borders, the peaceful settlement of disputes and of the other generally recognised rules of International Law.

The Government of the Slovak Republic declares that, on the territory of the Slovak Republic from 1 January 1993, in accordance with the Vienna Convention on Diplomatic Relations it will concede the privileges and immunities to the diplomatic missions accredited on 31 December, 1992 in the Czech and Slovak Federal Republic, and does not request a new "agrément" from the ambassador, currently accredited to the Czech and Slovak Federal Republic if he will be accredited to the Slovak Republic from

1 January, 1993. In the Czech and Slovak Federal Republic the seniority of the diplomatic corps accredited on 31 December, 1992 will be maintained after 1 January, 1993 in the Slovak Republic.

The Ministry for Foreign Affairs of the Slovak Republic avails itself of the opportunity to ensure the Embassy of the Republic of Hungary of the deep respect the Czech and Slovak Federal Republic.

Bratislava, 18 December, 1992

Ministry for Foreign Affairs of the Slovak Republic
5th round stamp

Annex 110

*NOTE VERBALE FROM THE EMBASSY OF THE REPUBLIC OF HUNGARY TO THE MINISTRY OF FOREIGN AFFAIRS
OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 23 DECEMBER 1992*

The Embassy of the Republic of Hungary presents its compliments to the Ministry of Foreign Affairs of the Slovak Republic and with reference to Note No.1395/92-23 of 18 December 1992 of the Ministry of Foreign Affairs, has, upon instruction of the Government of the Republic of Hungary, the honour to communicate the following:

The Government of the Republic of Hungary fully shares the principles of fundamental importance relating to the internal state structure as well as the international relations of the Slovak Republic, as formulated, upon its becoming an independent, sovereign State, in the above-mentioned Note. It considers these principles as the basis for, as well as a pledge of, the co-operation between the two friendly neighbouring States in the future.

There are stable and historically well-proven foundations for the full implementation of these principles. The two peoples have, during their cohabitation of many centuries, accumulated an inestimable amount of common spiritual and material values. It is the conviction of the Government of the Republic of Hungary that these values should be considered by the two peoples as a common treasure. Their States, being free in taking decisions independently and in sovereignty, have by now all chances to evolve fully the creative force of the Hungarian and Slovak peoples and to seek together the way of their prosperity in the Carpathian Basin and in Europe.

It is therefore with a most profound satisfaction that the Government of Hungary accepts the request of the Government of the Slovak Republic to establish, as of January 1, 1993, diplomatic relations at the level of embassies in respect of which the above-mentioned Note of the Ministry of Foreign Affairs and this Note of the Embassy shall constitute an agreement between the two Governments.

The government of Hungary will, as of January, 1993, upgrade its General Consulate in Bratislava to an Embassy of the Republic of Hungary, headed by a Chargé d'Affaires. The Government of the Republic of Hungary is furthermore ready to enter, within the shortest possible time, into negotiations with the Government of the Slovak Republic on questions relating to state succession in respect of treaties.

The Embassy of the Republic of Hungary avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Slovakia the assurances of its highest consideration.

Prague, December 23 1992

To the Ministry of Foreign Affairs
of the Slovak Republic
Bratislava

Annex III

Traduction non-officielle

Premier Ministre
de la République de Hongrie

Monsieur Jacques Delors
Président
Commission des Communautés européennes
Bruxelles

Monsieur le Président,

La Commission des Communautés européennes réserve depuis le printemps 1992, une attention particulière au contentieux entre la Hongrie et la Tchéco-Slovaquie concernant le barrage du Danube. Cette attention joue un rôle primordial dans le fait que, malgré plusieurs tournures importantes intervenues depuis la lettre du 13 avril 1992 de Monsieur le Vice-Président Frans Andriessen, l'affaire est restée dans un cadre qui permet encore de gérer ce contentieux.

Je regrette que malgré nos efforts communs, nous n'ayons pu empêcher le gouvernement tchèque et slovaque d'accomplir le détournement du Danube, ce qui a créé une situation tout à fait nouvelle, et élevé davantage la tension dans la région centrale- et est-européenne.

L'Accord de Londres du 28 novembre 1992, dont la conclusion est le fait indiscutable d'une participation intensive de la Commission des Communautés européennes, a joué un rôle décisif dans l'atténuation de la situation critique et dans l'empêchement de l'escalade de cette situation. Je me permets de supposer que notre déception quant à la mise en application des engagements contenus dans l'Accord précité, est réciproque.

Toutefois, grâce à ce document, le processus du règlement du conflit tout en conformité avec les normes européennes a été engagé, puisqu'il semble que les deux parties se sont rendues compte que la seule voie praticable de la solution finale, soit la soumission du contentieux devant la Cour Internationale de la Haye. A l'issue des entretiens au niveau d'experts sous l'égide des négociations trilatérales, la déclaration commune sur la soumission précitée, peut être considérée comme achevée. Toutefois, la partie tchèque et slovaque, durant la dernière rencontre trilatérale à Bruxelles, a présenté une telle position selon laquelle l'acceptation pour sa part de ladite déclaration de soumission est conditionnée par la conclusion d'un accord entre les parties sur un système provisoire d'aménagement des eaux. La transformation d'un engagement inconditionnel en un engagement conditionnel met en péril le succès de tout le processus et le menace par une recrudescence de la tension politique. L'acquit le plus significatif contenu dans l'accord conclu à Londres et confirmé à Bruxelles le 27 novembre 1992 peut être justement déterminé par le fait que les parties, conformément aux principes des règlements de contentieux entre les Etats, ont accepté sans aucune condition de régler leur contentieux non pas par une pression politique mais par contre par une juridiction internationale. Naturellement, la Hongrie est intéressée primordiallement dans la réalisation d'un système équitable, provisoire et convenablement contrôlé de l'aménagement des eaux, car justement, c'est elle qui nécessite une quantité suffisante d'eau indispensable à la protection des valeurs écologiques. Mais par contre, c'est inacceptable que nous ne puissions soumettre le contentieux à la Cour Internationale, que dans le cas où nous avons accepté les conditions de l'autre partie, lesquelles sont unilatérales et diffèrent d'ailleurs d'une façon substantielle de l'Accord de Londres.

Dans cette situation, nous tous, avons l'intérêt politique exceptionnel que le processus devant la Cour Internationale s'engage sans aucune condition, et aussitôt que possible. Je suis persuadé que la Commission des Communautés européennes et plus particulièrement,

Vous Monsieur le Président, vous serez à même d'accorder une assistance efficace, à ce que la voie civilisée et européenne de règlement du contentieux s'ouvre dès que possible et par ce fait que nous soyons capables d'extirper les racines des conflits politiques.

Monsieur le Président,

Je considère que la détermination et l'engagement de la Hongrie dans la coopération entre les trois pays de Visegrad est convenablement prouvée par le fait que, après des négociations difficiles et des consultations politiques fructueuses, nous avons signé l'accord de libre échange entre la Hongrie, la Tchécoslovaquie et la Pologne. Dans l'esprit de notre traité d'association avec les Communautés européennes, et dans l'intérêt d'un accord fructueux nous avons mis de côté toutes nos réserves qui ont surgi à cause du détournement unilatéral du Danube, et nous avons pu vaincre cette opposition qui s'est manifestée dans la nouvelle direction tchèque à l'égard de la Coopération Visagradienne.

Permettez-moi d'exprimer à la Commission des Communautés européennes ma gratitude pour le rôle joué et l'activité déployée dans le règlement du contentieux sur le barrage. Je considère que la future coopération efficace de la Commission est une condition indispensable pour arriver à une solution rassurante.

Je saisis cette occasion pour Vous souhaiter une année fructueuse, et qu'elle Vous apporte santé et succès.

Budapest, le 4 janvier 1993

Avec mes meilleures salutations

Antall József



COMMISSION
OF THE EUROPEAN
COMMUNITIES

Brussels, January 1993

Directorate General
External Relations
HCS/

Discussion Paper

*Establishment of a Joint Hungarian/Slovak
Water Management and Monitoring Committee.*

I. Introduction

In order to manage and control as well as to monitor the impacts of the Temporary Water Management Regime a Joint Hungarian/Slovak Water Management Control Committee will be established. The main function and responsibilities will be:

- I. to supervise and control the operation of the agreed Temporary Water Management Regime and prepare and ensure the implementation of adjustments in the Temporary Water Management Regime;
- II. to launch a comprehensive programme of environmental monitoring, studies and modelling, with a view to assess, on a scientific and common basis, the impacts of the operation of the Gabčíkovo Water Works on the natural environment of the adjacent territory in the Slovak Republic and the Hungarian Republic;
- III. to assess the implications of exceptional circumstances i.e. floods and ice, and make recommendations for remedial provisional measures.

This paper contains only a general outline for the organisation, functions and responsibilities of the Joint Committee. The detailed technical components will be elaborated by the Joint Committee, if necessary with the use of technical Working Groups. A detailed technical description of the organisation and operation of the (i) Water Management Control System and (ii) the Monitoring Programme will be submitted to the two Governments and the Commission of the European Communities before March 15, 1993.

2. Participation

Although a bilateral Committee between the Republic of Hungary and the Czech and Slovak Federal Republic, the Commission of the European Communities would, if requested, be willing to provide ad hoc technical support to the Committee.

The Committee will comprise:

- * One official government representative and two technical experts nominated by the Government of the Slovak Republic
- * One official government representative and two technical experts nominated by the Government of the Hungarian Republic

The Committee can invite technical experts and other participants on a case by case basis, provided the Committee is in agreement. The Committee can furthermore establish various Working Groups i.e. for the establishment and operation of the monitoring programme, or other relevant issues.

3. Mode and place of operation

Until otherwise agreed in the Committee, the Committee will meet regularly on a monthly basis or extraordinary when requested by one of the parties. Place of meetings will alternate between the Republics of Slovakia and Hungary. Secretarial support will be provided by the host country. The meetings will be chaired by the host country.

The Committee will, every third month prepare a report to the two Governments containing a description of activities undertaken and a summary of the conclusions from the operation of the Temporary Regime and the monitoring. The Committee will furthermore ensure that timely and accurate information resulting from the work of the Committee is disseminated in an appropriate form to the population in the Region which will enable the implications of Regime to be fully appreciated.

4. Functions and responsibilities

The Committee will have three main functions as outlined below in 4.1, 4.2 and 4.3.

4.1 Operate and adjust the Temporary Water Management Regime.

The Committee will:

1. Prepare a detailed Operation Manual with specifications for the day to day water management;
2. Establish and operate a Water Management Control System. The basic components of the control system is outlined in Annex A. A detailed description of the Water Management Control System will be elaborated before March 15, 1993, and the main components of the system should be in operation before April 1, 1993;
3. Prepare and ensure the implementation of remedial provisional measures; and

4. Prepare recommendations for adjustments to the agreed Temporary Water Management Regime and the related Operation Manual, whenever required or suitable, on the basis of the operational experiences and the results from the activities on monitoring, studies and modelling. Justifications for proposed adjustments should be based on the degree of fulfilment of the environmental criteria (re. item 4.2).

4.2 Establish and operate a Joint Monitoring, Modelling and Study Programme

In order to assess, on a scientific and common basis, the effects and impacts of the operation of the Gabčíkovo System on the natural environment in the region a system of monitoring of commonly agreed data, exchange of data and common evaluation of the data will be established and operated by the Committee.

A preliminary list of data to be monitored and studied by the parties is found in Annex B.

The Committee could initiate other studies of a more general nature as well.

The Committee will entrust a Working Group of Monitoring Experts to prepare a detailed *Monitoring Manual* with specifications for joint monitoring of impacts on environment, navigation, agriculture, hydropower etc. This will include definition of environmental criteria (e.g. water level dynamics, water quality in the reservoir, Danube water quality downstream Cunovo, Ground water quality, sedimentation in the main channel, flora and faune etc.) which should not be violated. The Monitoring Manual should be finalised before March 15, 1993.

The Committee will oversee the establishment and running of the joint monitoring programme as well as plan, co-ordinate and review joint activities on monitoring, modelling and studies related to the water management regime and its impacts.

4.3 Assess the implications of exceptional circumstances and make recommendations for remedial measures.

The Committee will assess the implications of exceptional circumstances in case of floods, ice occurrence and other potential security risks and make recommendations for remedial measures to be taken.

5. Financial Aspects

The Republic of Hungary and the Slovak Republic will finance all activities related to their participation in the Committee and the related monitoring and control activities on their territory. The Commission of the European Communities would consider to provide financial support for external technical expert assistance, specific monitoring and control equipment needed and for public information campaigns, in support of the activities of the Committee if requested by the two sides.

6. Disputes

In the case of disagreements which occur in connection with any of the items mentioned above, the Commission of the European Communities is empowered to propose a mechanism to resolve the disagreement.

.....

- ANNEX A: Basic Components in a Water Management Control System for the Gabcikovo System.
- ANNEX B Basic Components in a Joint Monitoring and Study Programme for the Gabcikovo System.

FILE:HCS/REGIONAL/DANUBE/COMMITT

*Basic Components in a Water Management
Control System for the Gabčíkovo System*

1. Discharge Measurements

The daily discharge shall be measured for the following points:

1. at Bratislava
2. at Rajka
3. at Dunaremete
4. at Medve
5. at the By-pass Weir
6. at the Flood Plain Weir
7. At the Ship Locks
8. At the Turbines
9. At the intake to Maly Danube
10. At the intake to Mosoni Danube
11. At Dobrohost
12. Seepage from the reservoir to seepage canals.

The "discharge" measurements can follow the present routines applied to day, i.e. as water level measurements and subsequent conversion to discharge values by use of "rating curves" which are updated regularly on the basis of real discharge measurements. The discharge measurements are the responsibility for the respective countries i.e. Slovakia 1, 5, 6, 7, 8, 9, 10, 11 and 12 and Hungary 2, 3 and 4.

Hungarian and Slovakian specialist will have free access to participate in the measurements and the subsequent data processing.

Discharge values shall be exchanged daily as preliminary values. Final values shall be presented and approved at the regular meeting of the Committee.

2. Definition

The discharge is defined as follows:

$$D/Cunovo = D/Bratislava - (D/Maly Danube + D/Mosoni Danube + D/Seepage)$$

$$D/Danube = D/By-pass Weir + D/Flood Plain Weir$$

$$D/Navigation Canal = D/Ship Locks + D/Turbines + Dobrohost$$

3. Check of consistency

The consistency of the discharge measured i.e.

$$D/\text{Danube} = D/\text{Rajka} = D/\text{Dunaremete} \text{ and } D/\text{Cunovo} = D/\text{Medve}$$

should be fulfilled within +/- 10 % on a daily basis and within 5 % on a weekly basis. In the evaluation of the small discharge infiltrating to the aquifers should be taken into account. If the accuracy is not satisfactory the Committee can decide to carry out special studies by use of independent experts.

*Basic Components in a Joint Monitoring Programme
for the Gabčíkovo System.*

The Joint Monitoring Programme will be based on systems and procedures already in operation in the Republic of Slovakia and the Republic of Hungary. A map indicating existing observation points is found enclosed.

A Group of Monitoring Experts will before March 15, 1993 prepare a detailed proposal for all aspects relating to the establishment and operation of the system. If requested by the two sides the Commission of the European Communities could provide technical input.

The monitoring programme will be coordinated with the Water Management Control Programme.

The following components will be included in the monitoring of the impact of the existing situation and future Temporary Water Management Regimes:

1. Climatological data

1. Precipitation
2. Air and soil temperatures
3. Wind intensity and direction
4. Air humidity

2. Hydrological data

1. Surface water levels
2. Ground Water levels
3. Rate of Flows
4. Floating debris and bedload
5. Water temperature
6. Ice occurrence
7. Humidity of the covering soil level
8. Transverse profiles of the river-bed
9. Outlet conditions
10. Erosion
11. Sedimentation

3. Ecological data

1. Surface water quality
2. Ground Water quality
3. Sediment analyses for organic pollutants and heavy metals
4. Aquatic flora, fauna and habitats
5. Ecological conditions of the wetlands

4. General

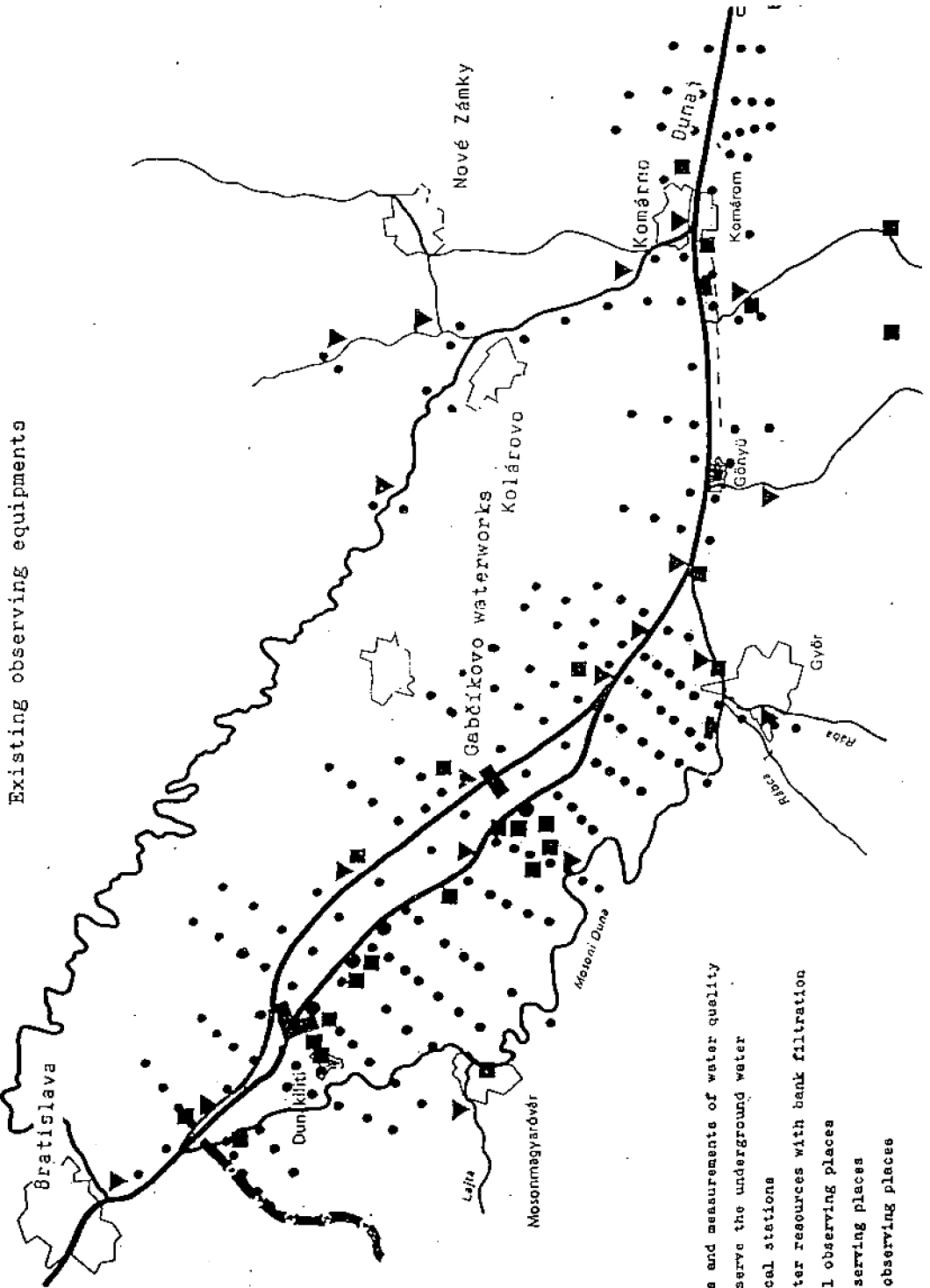
1. Basic agricultural data
2. Basic data on forestry
3. Basic data on fishery
4. Basic data on navigation
5. Seismic data

Based on the monitoring the following issues will be commonly evaluated:

- * Ground Water Regime
- * Surface Water Regime including floating debris and ice clusters
- * Water Resources on the Danubian River Bank
- * Quality of Ground and Surface Water
- * Ecological conditions of the river and wetlands
- * Agriculture
- * Forestry
- * Fishery
- * Navigation
- * Other influences

.....

The establishment of a comprehensive mathematical model for the Ground Water covering the Danubian Lowland and other relevant aspects could be considered at a later stage. This would in reality be an extension of the PHARE "Danubian Lowland Ground Water Model to Hungarian territory with more focus on floodplain ecological aspects.



Existing observing equipments

Legend

- ▼ Water meters and measurements of water quality
- Wells to observe the underground water
- Meteorological stations
- ⊠ Observed water resources with bank filtration
- ▨ Agricultural observing places
- Forestry observing places
- Ecological observing places

Annex 113

Agreed Minutes of the meeting between Hungary, Slovakia and the European Commission on the Gabčíkovo-Nagymaros-project, Brussels, January 19, 1993.

1. Hungary and Slovakia, taking into account Slovakia's newly acquired status of a sovereign state, underlined their will to solve the problem of the Gabčíkovo-Nagymaros project in a friendly way.

Following the Agreed Minutes of 11 December 1992, the Parties had met on 14 January 1993 in Bratislava in the presence of representatives of the European Commission to examine the technical aspects of the Temporary Water Management Regime.

2. The Parties exchanged information on the present state of works of variant C following the floods of November-December 1992 and the recent climatic conditions, which temporarily interrupted repair works. The urgency of completing these works was underlined.
3. The Parties had a detailed exchange of views on the guiding principles on which the Temporary Water Management Regime should be based and presented several proposals. In this respect they agreed on the need to ensure the preservation of the Danube and the surrounding environment as well as the need to take into account other relevant considerations and legitimate interests of both Parties.

It was agreed to entrust an expert group to meet in the week beginning on February 1 with the elaboration of a Temporary Water Management Regime. For this purpose, both Parties presented proposals. The Commission also presented a written proposal.

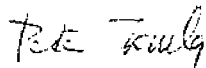
4. The Hungarian and Slovak delegations agreed that experts shall meet in the first week of February in order to finalize the text of the Special Agreement for submission of the case to the International Court of Justice as soon as possible.
5. Recognizing the need to establish a Joint Hungarian/Slovak Water Management and Monitoring Committee, the Parties agreed that the experts mentioned in par. 3 should also discuss the functions and responsibilities of this Committee on the basis of the proposals that were made. Both Parties invited the Commission to participate in the Committee.
6. The Parties undertook to reconvene on February 9, 1993 with a view to finalize an agreement on the Temporary Water Management Regime and the Special Agreement.

Signed at Brussels this 19th day of January 1993.

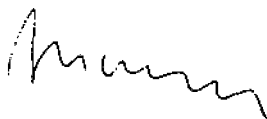
For the Hungarian Delegation,



For the Slovak Delegation,



For the European Commission Delegation,



A Magyar Köztársaság
Miniszterelnöke

Mr. Vladimír Mečiar
Prime Minister of the Republic of Slovakia
Bratislava

Dear Mr. Prime Minister,

Please allow me to return to the questions related to the Water Barrage of Gabčíkovo on which our Governments have been carrying on negotiations for a longer time.

At the time of your latest visit to Budapest, we had agreed that we should settle this dispute as much as possible through agreement, however we could not reach agreement on the ways of such settlement. Since then, regrettably, the water of the Danube has been embanked and rerouted, on the one hand, and the Commission of the European Communities has begun its good will offices aimed at creating agreement between the Parties, on the other.

These good offices yielded certain results in the recent months. Most important of that representatives of our Governments on October 28, 1992, signed the Agreement of London, which was suitable to ease to a large extent the political tension that had accumulated between the Parties, and to open the road to the civilized and European-style settlement of the dispute. The most important elements of this settlement are that the Parties submit their dispute to the International Court of Justice and that for the period of time ending with the decision of the Court, they agree on such temporary regime of water management, which takes into account the interests of both of them.

The three-party discussions have reached a decisive stage. The experts practically finished the drafting of the text of the Special Agreement to be submitted to the International Court of Justice. With respect to the temporary regime of water management, the positions of the Parties are clear also the measure and importance of the differences between the two positions are clearly visible. Although the discrepancy between these positions is significant, its economic importance, however, is relatively minimal, and in any case is dwarfed by that extraordinarily important interests, to reach agreement on the temporary settlement and to submit the dispute to the International Court of Justice to prevent the reappearance of the political tension.

Since the Agreement of London was achieved, the Hungarian Government has repeatedly made more and more substantial concessions and at the present date accepts that proposal of the EC Commission which would divide the whole water flow of the Danube between the Old-Danube and the operating water channel under a system differing seasonally and depending on the volume of the water flow. Based on this proposal the power generation would be possible in most time of the year and our common points of view concerning the preservation of the ecological system of the region would be also rationally taken into consideration.

The letter of Mr. Jacques Delors, Chairman of the EC Commission addressed to me, dated January 26, 1993, makes it clear that the EC Commission considers the three-party meeting that was to be held on February 9, 1993, as a last chance to achieve an agreement. Therefore failing to reach an agreement would result in the cession of the good will activity of the Commission, and it would imply disadvantageous consequences to our countries. Blocking of taking legal measures would entail with the danger of the revival of political tension and affect disadvantageously both the cooperation between our countries and the regional cooperation frameworks. The Europe-policy of both country would be also damaged, first of all our objective to integrate into the European architecture as soon and as fully as possible, and to become the full member of the European Communities at the earliest date. As a matter of fact we could hardly explain that we are matured to join the integration, to meet all obligations arising from our membership in the European Union, under those circumstances when despite of the intensive good will activities of the Commission we are unable to settle among ourselves a dispute that is after all nothing more than a technical issue of secondary importance.

It is my conviction that Mr. Prime Minister sees clearly those weighty interests which appeals for the creation of confidence and cooperation between our peoples who are by historical and geographical reasons the unavoidably intertwined, and for our joining the European integration as soon and as fully as possible. I am confident that the delicate weighing of these interest will make possible your personal and very important decision that Slovakia will accept the compromise worked out by the EC Commission. The reaching of agreement could become a symbol of the will to develop the relations between the new Slovakia and Hungary and at the same time would open to road to deepening of cooperation between the two parties the in political, economic, cultural and any other fields.

Please accept my highest consideration.

Budapest, February "5", 1993

with greetings,

(József Antall)



COMMISSION
OF THE EUROPEAN
COMMUNITIES

Brussels, 16/2/93

DIRECTORATE-GENERAL
EXTERNAL RELATIONS

**Tripartite Meeting between Hungary, Slovakia and the European Commission
on the Gabčíkovo-Nagymaros project, Brussels, February 16, 1993.**

Communique

During the Tripartite Meeting between Hungary, Slovakia and the European Commission in Brussels on February 16, 1993 the Commission made the following proposals:

- 1) The Slovak and the Hungarian governments should confirm without delay their commitment to submit the case to the International Court of Justice. The Commission will try to obtain from the Czech government the necessary clarification with regard to its position concerning the case.
- 2) The establishment of a temporary water management regime should be based on the Commission's proposal which might be subject to minor improvements to be agreed upon.
- 3) Bearing in mind the outstanding energy requirements of the Slovak side, appropriate solutions could be explored to establish a cooperation framework among the parties.

On the basis of the above, the parties concluded that further progress on outstanding questions could not be achieved. Nevertheless, aware of the overall importance of the issue for the further development of friendly relations between Hungary and Slovakia, they therefore agreed to refer these issues to the highest political level for decision. At the request of the Hungarian and Slovak parties, the Commission will pursue its efforts to reach a mutually acceptable solution.



IP(93)108

INFORMACION A LA PRENSA · PRESSE-MEDELDELSE · MITTEILUNG AN DIE PRESSE
 ANAKOINΩΣΗ ΓΙΑ ΤΟΝ ΤΥΠΟ · PRESS-RELEASE · INFORMATION A LA PRESSE
 INFORMAZIONE ALLA STAMPA · MEDEDELING AAN DE PERS · COMUNICADO DE IMPRENSA

Brussels, 17 February 1993.

Tripartite Meeting
 between Hungary, Slovakia and the European Commission
 on the Gabčíkovo-Nagymaros projects
 Brussels 16 February 1993

On the occasion of the Tripartite Meeting between Hungary, Slovakia and the European Commission in Brussels on 16 February, on the Gabčíkovo-Nagymaros system of locks on the Danube, Mr. van den Broek, Commissioner for external political relations, held talks with the heads of the two delegations, Mr. Martonyi, Secretary of State, Ministry of Foreign Affairs, Budapest, and Mr. Lisuch, Secretary of State, Ministry of Foreign Affairs, Bratislava. Following these talks, Mr. van den Broek made the following statement:

"These talks have proved conducive to defusing tensions over the Gabčíkovo-Nagymaros dam project but more efforts are needed by both sides. I call upon Hungary and Slovakia to agree without delay to submit the case to the International Court of Justice. The Commission has put forward an equitable proposal for a temporary water management regime and made suggestions concerning cooperation on energy questions. This should encourage the parties to come to an early agreement."

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE CZECH REPUBLIC TO THE DELEGATION
OF THE EC COMMISSION, 3 MARCH 1993

Note Verbale

The Ministry of Foreign Affairs of the Czech Republic presents its compliments to the Delegation of the Commission of the European Communities in Prague and has the honour to notify that on 23 February 1993 the House of Deputies of the Parliament of the Czech Republic approved that the Czech Republic would not become a succession state to the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the construction and operation of the Gabčíkovo-Nagymaros Barrage System of Locks, signed in Budapest on 16 September 1977 and the Contractual documents related to this Treaty.

The Ministry of Foreign Affairs of the Czech Republic avails itself of this opportunity to renew to the Delegation of the Commission of the European Communities the assurances of its highest consideration.

Prague, 3 March 1993

Delegation of the Commission
of the European Communities
Prague

UNOFFICIAL TRANSLATION

The Ministry of Foreign Affairs of the Czech Republic presents its compliments to the Delegation of the Commission of the European Communities in Prague and has the honour to notify that on February 23, 1993 the House of Deputies of the Parliament of the Czech Republic approved that the Czech Republic would not become a succession state to the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the construction and operation of the Gabčíkovo-Nagymaros system of locks, signed in Budapest on September 16, 1977 and the contractual documents related to this Treaty.

The Ministry of Foreign Affairs of the Czech Republic avails itself of this opportunity to renew to the Delegation of the Commission of the European Communities the assurances of its highest consideration.

Prague, March 3, 1993

Delegation
of the Commission of the European Communities
P r a g u e

MINISTERSTVO ZAHRANIČNÍCH VĚCÍ
ČESKÉ REPUBLIKY

Č.j.: 81.027/93-MPO

Ministerstvo zahraničních věcí České republiky projevuje úctu Delegaci Komise Evropských společenství a má čest sdělit, že dne 23. února 1993 Poslanecká sněmovna Parlamentu České republiky vyslovila souhlas s tím, aby Česká republika nesukcedovala do Smlouvy mezi Československou socialistickou republikou a Maďarskou lidovou republikou o výstavbě a provozu Soustavy vodních děl Gabčíkovo-Nagymaros z 16. 9. 1977 a na ni navazujících smluvních dokumentů.

Ministerstvo zahraničních věcí České republiky využívá této příležitosti, aby Delegaci Komise Evropských společenství znovu ujistilo svou hlubokou úctou.

V Praze dne 5. března 1993

Delegace

Komise Evropských společenství

P r a h a

**MINISTER OF FOREIGN AFFAIRS
OF THE SLOVAK REPUBLIC**

Bratislava, May 19, 1993

No. 9675/93-MPO

Your Excellency,

On behalf of the Slovak Republic I have the honour to notify to You the following:

In accordance with relevant principles and rules of international law and to the extent defined by it, the Slovak Republic, as a successor State, born from the dissolution of the Czech and Slovak Federal Republic, considers itself bound, as of January 1, 1993, i.e. the date on which the Slovak Republic assumed responsibility for its international relations, by multilateral treaties to which the Czech and Slovak Federal Republic was a party as of 31 December 1992, including reservations and declarations made earlier by Czechoslovakia, as well as objections by Czechoslovakia to reservations formulated by other treaty-parties.

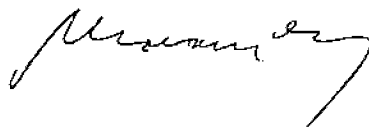
The Slovak Republic wishes further to maintain its status as a contracting State of the treaties to which Czechoslovakia was a contracting State and which were not yet in force at the date of the dissolution of the Czech and Slovak Federal Republic, as well as the status of a signatory State of the treaties which were previously signed but not ratified by Czechoslovakia.

This applies to the treaties deposited with the Secretary-General listed in the Annex to this letter.

In order to ensure the continuous implementation of these treaties in relation between the Slovak Republic and other parties to these treaties, I have the honour to request Your Excellency in your capacity of depository to communicate this information as soon as possible to the parties to the treaties listed in the Annex.

Please accept, Your Excellency, the assurances of my highest consideration.

*His Excellency
Dr. Boutros Boutros-Ghali
Secretary-General
United Nations
New York*



Annex 119

LETTER FROM MR. JÁNOS MARTONYI, HUNGARIAN STATE SECRETARY FOR FOREIGN AFFAIRS, TO MR. JAN LISUCH, SLOVAK UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS, 2 JUNE 1993

**The Hungarian Republic
Ministry of Foreign Affairs**

State Secretary
To Mr. Ján Lisuch
Under-Secretary of State
Ministry of Foreign Affairs
The Slovak Republic
Bratislava

Dear Mister Under-Secretary of State,

The Head of Office of the Foreign Ministry of the Slovak Republic told me in his letter dated 20 May 1993 that the Slovak Government would put on its agenda the guidelines to be followed at the negotiations of water management experts due after the second half of April, and indicated that after their acceptance the negotiations could commence immediately. However, according to the official information of Slovak experts, the Government of the Slovak Republic did not deal with the guidelines even at its session of 1 June 1993, thus causing a further delay of negotiations on water management.

I would like to ask for the co-operation of you Mr. Under-secretary so that the Slovak experts are ready for negotiations on water conservation as soon as possible.

I recommend that in the course of the negotiations over and above the evaluation of the current situation the experts should examine the details of the possibility of implementing the proposal of the Commission of the European Community on water division and the establishment of a consulting-supervisory system.

My opinion is that the efficiency of the negotiations would be positively influenced by the written opinions of experts on their standpoint concerning the EC suggestion. As is well known in February this year the Hungarian Government already accepted the proposals of the EC Committee.

Budapest, 2 June, 1993.

With respect:

Dr. János Martonyi

Statement of the Slovak Delegation

June 18, 1993

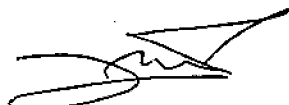
The Slovak side submitted repeatedly the proposal based on dynamic operation of flows, divided between the Danube and the power canal, taking into account the necessary discharge into the river branches, ship locks, seepage etc. The proposal was in detail explained and given to the Hungarian delegation and to the observer of CEC.

The Slovak side took with regrets notice, that in spite of the fact that this proposal achieves the goals of protection and rehabilitation of the previously adversely influenced area of the inland delta of the Danube, it was not accepted nor discussed by the Hungarian side.

The insisting of the Hungarian side on the inflexible CEC-proposal, based only on the allocation of flows, does not create a basis for fulfilling the necessary ecological conditions, especially for the requirements of mutual interconnection of the river with both its branch systems.

The Slovak side presented by its proposal the highest level of flexibility, based on scientific background and careful monitoring of the real impacts, but it must take into consideration also the economic aspects, necessary for the finalization of the whole Project and of production of energy as well.

The Slovak side also regrets, that the Hungarian side did not accept even that part of the proposal, which is dealing with the immediate construction of underwater dams in the Danube.



Signed: Miroslav B. Liška

Annex 121

Ivo Hlaváček, Acting Head of the Consular Division of the Slovak Ministry of Foreign Affairs, presented the following verbal memorandum to our Ambassador, emphasizing that he did so on the personal instructions of the Minister, and that they request within a short time a reply on the confirmation of the decision by the Hungarian Parliament and on the provision of an undertaking that we will not take any "illegal" measure before the decision of the Hague Court is reached.

V e r b a l M e m o r a n d u m

The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary in Bratislava, and expresses its concern over the decision of July 7, 1993 taken by the Parliament of the Republic of Hungary, whereby the Republic of Hungary, under the 1993 supplementary budget, assigned the sum of 800 million forints for this year's expenditure in connection with the demolition of the Nagymaros coffer dam and for the restoration of the surrounding areas to their original state. In this connection it begs to convey the following.

The Ministry of Foreign Affairs of the Slovak Republic is of the view that at a time when the Hague International Court has commenced its proceedings on the basis of the Special Contract signed in Brussels on April 7, 1993 concerning the submission of the dispute between the Republic of Hungary and the Slovak Republic over the Gabčíkovo-Nagymaros project, the commencement of operations connected with the demolition of the Nagymaros coffer dam and restoration of the surrounding area to its original state is in *bona fide* conflict with the obligation undertaken by the sides to await the decision of the Hague International Court.

The demolition of the Nagymaros installation would therefore constitute a further serious illegal step by the Republic of Hungary, subsequent to those in which it illegally suspended and ultimately

halted the construction works for which the Republic of Hungary is responsible under the 1977 treaty and the documents attaching to this. The Ministry of Foreign Affairs of the Slovak Republic therefore expects that no such measure will take place and would welcome the provision of an undertaking to this effect by the Hungarian side.

The Ministry of Foreign Affairs of the Slovak Republic respectfully recalls that the Slovak Republic, under Point 1 of Paragraph d. of Clause 8 and Paragraphs 1 and 3 of Clause 1 of the treaty signed in Budapest on September 16, 1977 between the CSR and the HPR on the construction and operation of the Gabčíkovo-Nagymaros Water Barrage system, is the co-owner of the Nagymaros barrage installation, and does not agree to its demolition.

The Ministry of Foreign Affairs of the Slovak Republic emphatically protests against the endeavour at which the commencement of the works directed at eliminating the coffer dam at Nagymaros is directed and calls on the competent authorities of the Republic of Hungary to reassess their intention and on the Republic of Hungary to refrain from all kinds of operation connected with the demolition of an object that constitutes part of the Nagymaros Hydroelectric Power Station.

The Ministry of Foreign Affairs of the Slovak Republic takes this opportunity of presenting its compliments to the Embassy of the Republic of Hungary in Bratislava.

Bratislava, July 13, 1993

Annex 122



COMMISSION OF THE EUROPEAN COMMUNITIES

Directorate General
External Economic Relations
Operational Service PHARE

Brussels,

Service/L-3

034449 *19.07.93

Dear Mr. Martonyi,

With reference to my letter of July 19, 1993 enclosed please find a proposal for time and activity schedule for the work of the Monitoring Committee the establishment of which has been proposed by the Commission.

The activity and time schedule should be the basis for the work and I would appreciate receiving your comments and confirmation that Hungary will participate actively in the work of the Monitoring Committee as soon as possible.

Yours sincerely,

Pablo Benavides
Director

Mr. Janos Martonyi, Secretary of State
Ministry of Foreign Affairs
Budapest, Hungary

*Establishment of a Water Monitoring Committee and a
Water Measuring system
for the Gabčíkovo system of locks*

Activity and time schedule

Date	Activity
August 9, 1993	First meeting in Monitoring Committee to develop detailed action and meeting plan.
August 20, 1993	Final proposal for the data to be collected and the methodology to be applied in the Water Measuring System will be submitted to the two Governments and the Commission.
October 15, 1993	<p>First report from the Monitoring Committee summarising the findings of the data collection and making recommendations regarding:</p> <ol style="list-style-type: none"> 1. The necessary discharge into and water level in the old riverbed; 2. A Temporary Water Management Regime including a detailed manual with specifications for the day-to-day operation and remedial measures to be taken, and 3. The establishment of a Water Management and Monitoring Committee responsible for the operation of the Temporary Water Regime,
November 15, 1993	Establishment of the Water Management and Monitoring Committee and final decision by the two Governments on (i) Temporary Water Management Regime, (ii) remedial measures and (iii) the establishment of the Water Management and Monitoring Committee.

**State Secretary
for Foreign Affairs**

*Mr. Pablo Benavides
Director
Commission of the
European Communities*

Brussels

Budapest, July 22, 1993

Dear Mr. Benavides,

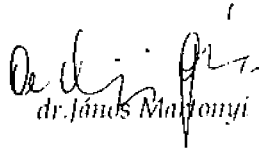
With reference to your letters of July 19, 1993 I inform you that on the Hungarian Side the proposals of the Commission are accepted with the following remarks.

1/ The collection and measuring of the necessary data to work out the recommendations could take place in the framework of a Committee consisting of one Hungarian, one Slovak and one EC expert. The very first task of the Committee has to be the collection of the authentic data which are now at the disposal of both Sides as a result of regular measuring made jointly or separately by each Side. Further steps could be decided on the basis of the existing data.

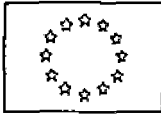
2/ After having the necessary data an independent Expert Group consisting of five members (three appointed by the Commission, one by the Slovak and one by the Hungarian side) should draw up the recommendations for the Tripartite Meeting. The majority, neutrality and experience of the EC experts is considered as a basic element for the success and effectivity of any joint activity in this disputed case. We think, therefore, that the minimum number of the EC experts in this Expert Group cannot be less than three.

3/ Due to the abovementioned reasons we think that the membership and participation of the Commission in the planned Temporary Water Management and Monitoring Committee seems to be indispensable.

Sincerely Yours,


Dr. János Mattonyi

Annex 124



COMMISSION OF THE EUROPEAN COMMUNITIES

Directorate General
External Economic Relations
Operational Service PHARE

035186 *05.08.93

Brussels,
Service/L-3/hcs

Dear Mr. Martonyi,

Reference is made to your letter to Mr. Benavides dated July 22, 1993 and your confirmation that Hungary can support the establishment of a Group of Independent Monitoring and Water Management Experts.

Mr. Jan Lisuch, Secretary of State has confirmed that also Slovakia would be willing to participate in the process, and has submitted detailed comments as well.

Based on the comments received from the two sides, and the requested need for clarification of some of the aspects included in the first draft Working Document, the Commission has prepared an adjusted Working Document - Establishment of a Group of independent Monitoring and Water Management Experts for the Gabčíkovo system of locks - which is found attached.

The document contains an updated time and activity schedule, and it is proposed that the first meeting in the Group of Experts will take place on August 16, 1993. The independent EC Experts would be available for a start up meeting at this data and it is proposed that the first meeting takes place in Bratislava.

I would appreciate receiving your comments to the second Working Document which will enable the Commission to prepare the final document before August 16, 1993. Also I would appreciate being informed about the name of the independent Hungarian expert and hopefully your confirmation that the Hungarian Expert will be available for the first meeting in Bratislava.

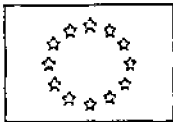
In view of the summer holiday and the absence of Mr. Benavides please address all correspondence directly to Mr. Marc Franco on telefax no 32 2 29 57502.

Yours sincerely,

Alan Mayhew
Principal Adviser

P.J.

Mr. Janos Martonyi, Secretary of State
Ministry of Foreign Affairs
Budapest, Hungary



COMMISSION OF THE EUROPEAN COMMUNITIES

Directorate General
External Economic Relations
Operational Service PHARE

Brussels, August 4, 1993
Service/L-3/HCS

Draft Working Document

*Establishment of a Group of independent Monitoring
and Water Management Experts
for the Gabčíkovo system of locks*

1. Introduction

In order to provide reliable and undisputed data on the most important effects of the current water discharge and the remedial measures already undertaken as well as to make recommendations for further appropriate remedial measures the Republic of Hungary and the Republic of Slovakia will establish a Group of Independent Monitoring and Water Management Experts. (Group of Experts).

The Group of Experts shall consist of one independent expert appointed by Hungary and one independent expert appointed by Slovakia. One independent expert appointed by the Commission of the European Communities will chair the work for a period of up to three months. The EC expert will be supported in his work by two assistant experts, and the EC experts will have expertise in hydrology including monitoring of hydrological data, ecological issues and water based constructions.

The monitoring will cover the whole area surrounding the Gabčíkovo system of locks, and any monitoring and measuring systems will be established both at Slovak and Hungarian territory.

No recommendations or activities arising from the establishment of the Group of Experts or its operation will effect, or reflect upon, any of the issues of legal liability which, in accordance with the Special Agreement, must be determined by the International Court of Justice.

The Group of Experts will submit reports and adapt recommendations based on consensus between the independent experts. In cases of disputes in the Group of Experts the two national experts as well as the EC expert can submit separate reports and recommendations.

4. Mode and place of operation

A detailed activity and meeting plan will be prepared at the first meeting in the Group of Experts. Place of meetings will alternate between Slovakia and Hungary and secretarial support will be provided by the host country.

File: Stausbol//Winword.Regional.gahci

2. Objectives

The Group of Experts will:

- I. Collect and assess data on all relevant aspects and effects of the current water discharge including the effects of the various remedial measures already put in place. The data to be collected will be defined by the Group of Experts within three days after its formal establishment. The methodology to be applied in the subsequent data analyses will be defined by the Group of Experts in connection with its first report 17 days after its formal establishment. The data to be collected will at least include:

- * water discharge at all relevant places;
- * surface water level and quality including sedimentation;
- * ground water level and quality;
- * ecological effects;
- * electricity production

The data collection will be based on the existing data currently at the disposal of both sides as a result of regular measuring made jointly or separately by each side. Further the Group of Experts will decide on new or harmonised monitoring procedures and identify possible need for additional monitoring to be carried out in the future.

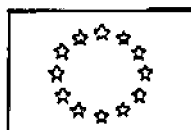
- II. On the basis of the data collection (I) prepare recommendations, for submission to the two Governments, on the following aspects with a view to safeguard the environment and the ecological conditions in the region:

- * A temporary Water Management Regime including a detailed manual with specifications for the day-to-day operation;
- * Remedial measures to be taken and the necessary water discharge and water level in the old river bed;
- * The establishment of a Water Management and Monitoring Committee for the operation of the temporary Water Management Regime. The main task of the Water Management and Monitoring Committee would be to:
 - adjust the Temporary Water Management Regime on the basis of the operational experience and continued monitoring,
 - initiate and supervise additional studies required, and
 - prepare recommendations for urgent measures to be taken in case of emergency situations,

3. Activity and time schedule

The Group of Experts will work in accordance with the following time and activity schedule.

Date	Activity
August 16, 1993	First meeting to develop a detailed action and meeting plan.
September 2, 1993	Report on assessment of existing data, the preliminary findings from analysing the data and the recommendations regarding modifications to the present monitoring practice. Report will be submitted to the two Governments and the Commission.
October 15, 1993	<p>Report summarising the findings of the data collection and analyses and preliminary recommendations regarding:</p> <ol style="list-style-type: none"> 1. Temporary Water Management Regime including a detailed manual with specifications for the day-to-day operations; 2. Remedial measures to be taken and the necessary water discharge and water level in the old river bed; 3. The establishment of a Water Management and Monitoring Committee responsible for the operation of the Temporary Water Regime.
November 1, 1993	<p>Final recommendations for:</p> <ol style="list-style-type: none"> 1. Temporary Water Management Regime; 2. Remedial measures to be taken and necessary water discharge and water level in the old river bed, and 3. Establishment of a Water Management and Monitoring Committee
November 15, 1993	Final decision by the two Governments on the recommendations submitted by the Group of Experts and the establishment of a Water Management and Monitoring Committee.



COMMISSION OF THE EUROPEAN COMMUNITIES

Directorate General
External Economic Relations
Operational Service PHARE

Brussels, August 18, 1993
Service/L-3/hcs

Preliminary Working Document

*Establishment of a Group of independent Monitoring
and Water Management Experts
for the Gabčíkovo system of locks*

1. Introduction

In order to provide reliable and undisputed data on the most important effects of the current water discharge and the remedial measures already undertaken as well as to make recommendations for further appropriate remedial measures the Republic of Hungary and the Republic of Slovakia will establish a Group of Independent Monitoring and Water Management Experts. (Group of Experts).

The Group of Experts shall consist of one independent expert appointed by Hungary and one independent expert appointed by Slovakia. Three independent experts appointed by the Commission of the European Communities will participate in the Group. The meetings will be chaired by one of the EC experts. The EC expert will have expertise in hydrology including monitoring of hydrological data, ecological issues and water based constructions. The Slovakian and Hungarian experts can be supported by associate experts if necessary.

The monitoring will cover the whole area surrounding the Gabčíkovo system of locks. All any monitoring and measuring systems will be established both at Slovak and Hungarian territory.

No recommendations or activities arising from the establishment of the Group of Experts or its operation will effect, or reflect upon, any of the issues of legal liability which, in accordance with the Special Agreement, must be determined by the International Court of Justice.

The Group of Experts will submit reports and recommendations based on consensus between the independent experts. In cases of disputes in the Group of Experts the Slovakian and Hungarian experts as well as the EC expert can submit separate reports and recommendations.

2. Objectives

The Group of Experts will:

- I. Collect and assess data on all relevant aspects and effects of the current water discharge including the effects of the various remedial measures already put in place. The data to be collected will be defined by the Group of Experts within three days after its formal establishment. The methodology to be applied in the subsequent data analyses will be defined by the Group of Experts in connection with its first report 17 days after its formal establishment. The data to be collected will at least include:
 - * water discharge at all relevant places;
 - * surface water level and quality including sedimentation;
 - water level and quality in the reservoir and in the channel,
 - water level and quality in the Danube
 - quantity and quality of sediments in the reservoir and in the channel,
 - process of erosion in the Danube
 - * ground water level and quality;
 - * impact on flora and fauna in the region;
 - * impact on agriculture and forestry;
 - * utilisation of the hydro-energy of the Danube;
 - * impact on navigation;
 - * flood protection.

The data collection will be based on the existing data currently at the disposal of both sides as a result of regular measuring made jointly or separately by each side. Further the Group of Experts will decide on new or harmonised monitoring procedures and identify possible need for additional monitoring to be carried out in the future.
- II. On the basis of the data collection (I) prepare recommendations for submission to the two Governments, on the following aspects with a view to safeguard the environment and the ecological conditions in the region:
 - A. A temporary Water Management Regime including a detailed manual with specifications for the day-to-day operation and different water discharge situations;
 - B. Remedial measures to be taken and the necessary water discharge and water level in the old river bed, in the branches and in the adjacent area including a timetable for their implementation;

C. The establishment of a Water Management and Monitoring Committee for the operation of the temporary Water Management Regime. The main task of the Water Management and Monitoring Committee would be to:

- propose modifications in the Temporary Water Management Regime or new remedial measures to be taken on the basis of the operational experience and continued monitoring,
- initiate and supervise additional studies, measurements and research required; and
- prepare recommendations for urgent measures to be taken in case of emergency situations,

3. Activity and time schedule

The Group of Experts will work in accordance with the following time and activity schedule.

Date	Activity
August 30, 1993	First meeting to develop a detailed action and meeting plan.
September 3, 1993	Report by the EC Experts on the need for clarification or adjustments in the Working Document.
September 20, 1993	Report on assessment of existing data, the preliminary findings from analysing the data and the recommendations regarding modifications to the present monitoring practice. Report will be submitted to the two Governments and the Commission.
October 22, 1993	<p>Report summarising the findings of the data collection and analyses and preliminary recommendations regarding:</p> <ol style="list-style-type: none"> 1. Temporary Water Management Regime including a detailed manual with specifications for the day-to-day operations and different water discharge situations; 2. Remedial measures to be taken and the necessary water discharge and water level in the old river bed, in the branches and in the adjacent area including a timetable for their implementation; 3. The establishment of a Water Management and Monitoring Committee re. item 2.II.C.
November 1, 1993	<p>Final recommendations for:</p> <ol style="list-style-type: none"> 1. Temporary Water Management Regime; 2. Remedial measures to be taken and necessary water discharge and water level in the old river bed, and 3. Establishment of a Water Management and Monitoring Committee

4. Mode and place of operation

A detailed activity and meeting plan will be prepared at the first meeting in the Group of Experts. Place of meetings will alternate between Slovakia and Hungary and secretarial support will be provided by the host country.

5. General

All proceedings, data collected by and recommendations from the Group of Experts will be confidential until the two Governments and the Commission decide otherwise. The Independent Experts will make no public statements on the work of the Group.

Annex 126

GROUP OF MONITORING AND WATER MANAGEMENT EXPERTS FOR THE
GABCIKOVO SYSTEM OF LOCKS

Minutes from first meeting of the Group of Experts on September 8-9 in Bratislava.

All five members of the Working Group participated in the meeting. In addition the Hungarian and Slovakian experts were supported by a number of associate experts. Finally, representatives from the EC Presidency and the CEC participated as observers in part of the meeting. The participants are listed in Appendix A.

Before the formal start of the meeting Mr. Jan Lisuch hosted a lunch on behalf of the Slovak Ministry of Foreign Affairs. Mr. Lisuch welcomed the members of the Working Group to Bratislava and expressed the wish for a successful work.

1. Approval of agenda

The meeting was opened at 16³⁰ hours on September 8 by Johann Schreiner who presented a proposal for an agenda and a number of proposals for various items. Following a short break for reading the Working Group adopted the proposed agenda. The meeting was chaired by Johann Schreiner.

2. Logistics of first meeting

The meeting room facilities and the timing for the meeting were agreed upon.

3. Comments to Working Document

Johann Schreiner noted that the Working Group document dated August 26, 1993 constitutes the terms of references for the Working Group. After some discussion the following points of clarification were agreed upon:

3.1 The meetings will be chaired by Johann Schreiner or by one of the other EC experts according to his decision. All recommendations and conclusions from the EC Experts will be prepared with full consensus under the coordination of Johann Schreiner. It cannot be guaranteed that all three EC experts participate in all meetings.

3.2 Minutes of meetings will be prepared by either host

country or by EC experts.

- 3.3 With reference to the fourth para on page one of the Working Document (the one starting with "No recommendations") it is the understanding of the Working Group that in the aim to fulfill Article 4 of the 'Special Agreement for Submission to the International Court of Justice of the differences between the Republic of Hungary and the Slovak Republik concerning the Gabcikovo-Nagymaros Project' the Working Group has been given the task to prepare the mentioned Temporary Water Management Regime.
- 3.4 The Data Report will be finalized and submitted on November 2 instead of September 30.
- 3.5 The Final Report will be finalized and submitted on December 1 instead of November 19.
- 3.6 Para 5 in the Working Document to be replaced by the following:
All proceedings and recommendations from the Group of Experts will be confidential until the two Governments and the Commission decide otherwise. However, the data collected and analysed by each government can be utilized by both governments. Public information about the contents of the discussions in the Working Group are strictly forbidden. At the end of each formal meeting a communique and/or a press release will be agreed upon if necessary. This agreed text forms the framework within which statements of the Working Group members can, if necessary, be made. All members will refrain from statements which may hinder the achievement of progress in the activities of the Working Group. EC members will make no public statements.

The reasons for the postponement of the reporting dates (points 3.4 and 3.5) was the very significant amount of work required and practical aspects of finding time slots for the meetings.

The suggested modification of the "confidentiality clause" in point 3.6 was strongly urged both by the Hungarian and Slovakian experts.

The EC experts will request the approval of points 3.3, 3.4, 3.5 and 3.6 in their forthcoming report to CEC due by 13. september 1993.

4. Activity, time schedule and meeting plan

The activity, time schedule and meeting plan given in Appendix B was agreed upon.

5. Data to be collected and analysed

The plan for collection and assessment of data described in Appendix C was agreed upon.

It was enquired from the Hungarian and Slovakian Experts whether it would be possible to obtain financial support from CEC for the modifications and strengthening of the present monitoring practises to be recommended in the Data Report. The EC experts will make an enquiry on this issue to CEC Brussels.

6. Scenarios for Temporary Water Management Regimes including remedial measures

It was agreed to base the analyses of Temporary Water Management Regimes and remedial measures on some of the same scenarios as described in the November 1992 Working Group Report. These scenarios need to be updated corresponding to the present field situation. Hence, the scenarios outlined in Appendix D were agreed upon as the first draft, on which basis the homeworks specified for the Hungarian and Slovakian experts were decided.

7. Contacts until next meeting

Realizing the very significant amount of work required to be carried out by the Hungarian and Slovak experts before the next meeting scheduled to start on October 27 and the necessity for arriving at a homogenous data base and methodology for the data analyses it was agreed to encourage informal contacts among the members of the Working Group in cases where doubts on the details given in Appendix C may arise. The contact addresses and telephone/fax numbers are given in Appendix E. All the EC experts have commitments outside their home offices in parts of the period until the next meeting; however they can always be contacted through their respective home offices.

8. Next meeting

In accordance with the time schedule given in Appendix B the next meeting will be held during the period October 27 - November 1. The meeting will start on October 27 at 11⁰⁰ hours. Gabor Vida will ensure suitable facilities for a one week meeting (incl. PC with WP5.1 office facilities, etc of similar good quality as for the Working Group meeting in Budapest in November 1992) and communicate location and telephone/fax numbers to the othermembers of the Working Group by October 20.

9. Communique

With reference to point 3.6 above the communique enclosed as Appendix F was agreed upon.

The enclosed appendices A - F form part of the official minutes.

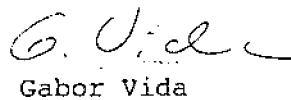
Bratislava, 9. september 1993



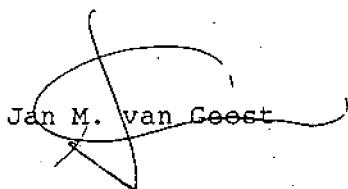
Johann Schreiner



Igor Mucha



Gabor Vida



Jan M. van Geest



Jens Christian Beisgaard

APPENDIX A Participants of the first meeting of the Working Group

Members of the Working Group

Johann Schreiner, EC
Jan M. van Geest, EC
Jens Christian Refsgaard, EC
Igor Mucha, Slovakia
Gabor Vida, Hungary

Associate experts from Hungary

Adrienne Hajosy
Zoltan Nagy

Associate experts from Slovakia

Ladislav Somsak
Jozef Oblozinsky
Gabriel Niznansky
Ludek Krajhanel
Ferdinand Kubicek
Stefan Molnar

Others

Dusan Ondrejicka, CEC PHARE delegation in Bratislava
Veronique Maronnek, Belgian Embassy Bratislava
(representing the EC Precedency)

APPENDIX B Activity, time schedule and meeting plan for the Working Group

Date	Activity	Location	Responsible
Sep 8-9	First meeting to develop a detailed action and meeting plan	Bratislava	All
Sep 13	Report by EC Experts on the need for clarifications in the Working Document	Home offices	EC Experts
Sep 10 - Oct 13	Data collection and analyses with regard to both 1991-93 data and data on basic conditions. Distribution of contributions to Data Report to all five members of Working Group	Home offices	S + H Experts
Oct 5-6	Reserved for Consultation between EC expert and Hungarian and Slovakian experts on technical aspects of data collection and analyses	Bratislava Budapest	S + H + EC experts
Oct 22	Comments to Data Report contributions. Significant comments to be faxed to all members of Working Group	Home offices	All
Oct 22	Preparation of first discussion papers on - Temporary Water Management Regime - necessary discharges, water levels and remedial measures To be faxed to all members of Working Group	Home offices	All
Oct 27 - Nov 2	Second meeting - Finalization and submission of Data Report - One day field visit - First discussion of principles for Temporary Water Management Regime - First discussion of necessary water discharge and water level in the old river and in the adjacent area and remedial actions to be taken - Decision of detailed work plan for next three weeks until next meeting.	Budapest and field	All
Nov 15	Preparation of second discussion papers on - Temporary Water Management Regime - necessary discharges, water levels and remedial measures To be faxed to all members of Working Group	Home offices	EC Experts

Nov 22	Comments to discussion papers of 93.11.15. To be faxed to all members of the Working Group.	Home offices	H + S Experts
Nov 29 - Dec 1	Third meeting with finalization of work and submission of Final Report	Bratislava	All

Annex 127

**GROUP OF MONITORING AND WATER MANAGEMENT EXPERTS FOR THE
GABCIKOVO SYSTEM OF LOCKS**

*Minutes from second meeting of the Group of Experts on October 27
- November 2 in Budapest.*

All five members of the Working Group participated in the meeting. In addition the Hungarian and Slovakian experts were supported by a number of associate experts. The participants are listed in Appendix A.

Before the formal start of the meeting Mr. Janos Gyurko, Minister of Environment welcomed the members of the Working Group to Budapest and expressed the wish for a succesfull work.

Upon request from the Hungarian Parliament the Working Group paid a visit to the Parliament on November 1, 1993.

1. Approval of agenda

The meeting was opened on October 27 by Johann Schreiner who presented a proposal for a work plan for the following days. The meeting was chaired by Johann Schreiner.

2. Logistics of first meeting

The meeting had its opening session in the Ministry of Environment. Subsequently, the Working Group worked at the Water Research Center (VITUKI), except for Saturday, October 30, where a full day field visit was made and on Sunday, October 31, where the group worked at office facilities at the Hungarian Natural History Museum.

3. Data Report

The Data Report comprising an assessment of impacts of the Gabčíkovo Project and recommendations for strengthening of monitoring system was completed by the end of the meeting.

The work on the Data Report was made difficult because the time schedule agreed upon at the last meeting was not kept. Thus, the Hungarian Data Report was delayed by a week and did not contain all the data and analyses agreed upon.

4. Possibility for CEC support to strengthening of Monitoring System

Johann Schreiner informed about the response from CEC to the minutes from last meeting, where the Slovakian and Hungarian experts enquired about the possibility for obtaining financial support for strengthening the monitoring after December 1993.

CEC requests the more information, including financial estimates, on this issue. The Working Group therefore decided to prepare tentative financial estimates for the monitoring activities recommended in the Data Report.

Hence the Hungarian and Slovakian parts will prepare drafts on this issue before the next meeting.

5. Temporary Water Management Regime

The work plan enclosed in Appendix B was agreed upon.

6. Home work to be carried out during the coming period until next meeting

- (a) Financial estimates of monitoring programmes (only coarse estimates). To be faxed to WG-members by November 23.
- (b) Work related to preparation of the Temporary Water Management Regime as specified in Appendix B.

In light of the difficulties with the Data Report (point 3 above) Gabor Vida promised that Hungary would do its best to provide the requested data. However, he could not at this stage give a firm guarantee.

7. Next meeting

According to the minutes from the first meeting the next meeting should be held during the period November 29 - December 1. In light of the extreme time pressure of the present meeting the Working Group decided to start the next meeting on Sunday, November 28 at 17⁰⁰ hours. The meeting will be held in Bratislava. Igor Mucha will communicate location and telephone/fax numbers to the other members of the Working Group by November 19.

8. Communique

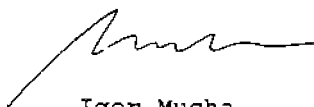
The communique enclosed as Appendix C was agreed upon.

The enclosed appendices A - C form part of the official minutes.

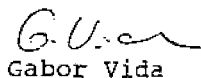
Budapest, 2. November 1993



Johann Schreiner



Igor Mucha



Gabor Vida



Jan M. van Geest



Jens Christian Refsgaard

APPENDIX A Participants of the third meeting of the Working Group

Members of the Working Group

Johann Schreiner, EC (primus inter pares)
 Jan M. van Geest, EC
 Jens Christian Refsgaard, EC
 Gabor Vida, Hungary
 Igor Mucha, Slovakia

Associate experts from Hungary

Károly Baross, North Transdanubian District Water Authority, Győr
 Adrienne Hajosy, Ministry for Environmental and Regional Policy, Budapest
 Lajos Horvath, North Transdanubian District Environmental Authority, Győr
 Ferenc Meszaros, Hungarian Natural History Museum, Budapest
 Zoltán Nagy, North Transdanubian District Environmental Authority, Győr
 János Szekeres, Water Resources Research Center, Budapest
 György Toth, Hungarian Geological Survey, Budapest

Associate experts from Slovakia

Vaclav Mikulka, Law Expert, VUB, Prague
 Maria Holobrada, Water Research Institute, Bratislava
 Ing. Ferdinand Kubicek, Institute of Ecobiology, Slovak Academy of Sciences, Bratislava
 Miroslav Liska, Vodohospodarska Vystavba, Bratislava
 Ivan Uhlar, Hydroconsult, Bratislava

APPENDIX B

Work plan for preparation of Temporary Water Management Regime

Table of contents.

1. Introduction.
2. Description of existing water systems.
3. Formulation of scenarios.
4. Elaboration of scenario 2
Improvement of present situation (short term scenario).
 - 4.1. Objectives.
 - 4.2. Approach.
 - 4.3. Assumptions.
 - 4.4. Design of additional measures.
 - 4.5. Watermanagement regimes.
 - 4.6. Description of impacts.
5. Description of other scenarios.
6. Conclusions and recommendations with regard to TWMR
7. Operation manual for TWMR

Comments to above points:

Ad 2. Description of the existing systems.

2.1. Main river.

Items.	Homework.
-Water supply system	EC
-topography (map, river cross sections from 1993). Preliminarily processed data from 5-10 representative crosssections - to the extent possible	H
-relation discharge, waterdepth and velocities (rating curves) for 1993 at Rajka, Dunaremete and if possible two other representative sites	H
-ice management	S1

2.2. Inundation area on the left side.

Items.	Homework.
-water supply system	S1
-topography (map) of the branches, dams, structures	S1
- 5-10 representative crosssections	S1
-relation discharge, wide, waterdepth and velocities by relevant discharges	

- in representative cross-sections
-bottom conditions S1
S1
- 2.3. Inundation area on the right side.
Same items as 2.2. H
- 2.4. Total system.
- connections between branches and
main river. H and S1

Ad 3. Formulation of scenarios.

Scenario 1: Present situation.
-400m³/sec into the main river.
-30-50 into the left inundation area.
-10 into the right inundation area.

Scenario 2: Improvement of the present situation.
-50-100 into the right inundation area.
-30-140 into the left inundation area.
-600 immediately into the main river and 500-1000 from may
1994.
-1-3 floods a year, more than 3500 (if technical
possible).

Scenario 3: Scenario 2 plus construction of some under
water weirs

Scenario 4: Full capacity of variant C structures used for
watersupply to the main river and the branches.
Two steps 1. phase 1 structures.
2. phase 2 structures.

In addition, the Slovak expert gets free hands to prepare
an independent scenario for inclusion as an Appendix to the
report.

Ad 4. Elaboration of scenario 2.

4.1. Objectives.

1. Water quality in the main river should be as good as possible. Sedimentation and erosion should approach natural conditions as far as possible.
2. The water level and discharge regime in the inundation area should at least approach the predam conditions.
3. The groundwater regime on both sides of the river

- should be as good as in the predam conditions.
4. No irreversible technical measures.

4.2. Approach.

The approach will be to look separately at

1. The main Danube.
2. The inundation area on the left side.
3. The inundation area on the right side.
4. The connections in the total system.

The length of the short term period is uncertain depending on the decision of the international court (within three years) and the period needed for implementation of the decision (may be 0-2 years). Scenario 2 deals with the period until the decision of the court.

4.3. Assumptions.

We assume that the the objectives 1, 2 and 3 will be achieved under the next conditions (according to our best judgement)

4.3.1. Main river.

Two times a year a discharge of 3500 will be enough to clean the river bed sufficiently.

4.3.2/4.3.3. Inundation area.

-More than 50% of the inundation area should be flooded sometimes per year.

-A variation of the waterlevel within 2 m will be enough to ensure the dynamic character.

-If 10 % of the branches (length) is free from mud the water can infiltrate sufficiently, and the conditions for biocenosis will be sufficient.

-To remove the mud from the bottem of the branches a velocity of the water of 0.6-1m per sec is enough.

-To keep the bottem of the branches free from mud 0.3m per sec will be enough.

4.3.4. Connections in the total system.

Migration of wetland species between main channel and side branches should be enabled even by using fish passes.

4.3.5. An adequate water management regime.

Above mentioned assumptions are design criteria for the measures to be taken in this scenario.

4.4. Design of additional measures.

4.4.1. Main river.

- supply system for 750, 1500, and 3500 m³ per sec. S1
- fish passes S1
- technical possibilities and complications S1
- implementation time, cost indication S1

4.4.2. Inundation area on the left side.

- fish passes S1
- implementation time, cost indication S1

4.4.3. Inundation area on the right side.

- Calculation of max and min discharges H
- water supply system, elaboration of three variants
- 1. supply cannal from inundation weir to first side branch
- 2. under water weir near Dunakliliti
- 3. optimization of supply through the seepage cannal and additional a syphon between the reservoir and the first side branch, crossing the river. (discharge 50 m³ per sec). Included implementation times and cost indications. H and S1

- Optimization branch system, dams, weirs, ... H
- structures, fish passes H
- technical possibilities and complications H
- implementation time, cost indication H

4.5. Water management regimes.

Main river, proposal EC.

Inundation areas, left side proposal S1, right side proposal H.

4.6. Description of impacts of scenario 2.

First draft will be written by EC (JCR). Contributions are welcome.

5. Other scenarios.

First draft will be written by EC (JCR).

6. Conclusions and recommendations.

First draft will be written by EC (JCR).

Time schedule:

Nov 11: Input from H + SK to JCR (available e.g. text via fax)
Nov 16: First version faxed to H + SK for comments
Nov 22: Deadline for submitting comments from H + SK to JCR
Nov 28: Second version presented at start of meeting.

APPENDIX C

Communique from the Second Meeting of the "Working Group of Monitoring and Water Management Experts for the Gabčíkovo System of Locks" held October 27 - November 2, 1993 in Budapest

Monitoring means the continuous observation of specified parameters with standardized methods. It is desirable to get an objective estimation of changes caused by construction of the Variant C of the Gabčíkovo System of Locks. A five person working group established by the Republic of Hungary, the Slovak Republic and the Commission of the European Communities has analysed the available data and assessed the present monitoring practise in the area influenced by damming the Danube. In a meeting from October 27 to November 02, 1993 in Budapest the Working Group assessed the present impacts of the Gabčíkovo Project and prepared recommendations for strengthening the monitoring system in the influenced area.

Major general impacts could be identified on the discharge in the Danube, levels of the surface waters, sedimentation and erosion processes, the ground water levels and on electricity production. In the Old Danube the discharge has in 1993 been reduced to in average about 400 m³/s corresponding to about 20 % as compared to the pre-dam conditions. At Bratislava the water levels during low flow periods have increased by 1-2 m as compared to pre-dam conditions, i.e. to a level corresponding to the situation 40 years ago. In the upstream part of the Old Danube the 1993 water levels have been reduced by 2-4 m as compared to pre-dam conditions, and have thus reached a level 2 m below the lowest ever recorded values. In addition, the characteristic natural dynamics of the water level fluctuations have been changed (reduced) significantly. Significant erosion occurred the first 500 m downstream the Cunovo structures under the November 1992 flood event. This material has been deposited downstream in the Old Danube. Sedimentation of fine material/silt can be seen in the Old Danube. Most likely, sedimentation of the total bed load and a substantial part of the suspended load have occurred in the reservoir. In June/July 1993 the situation in Slovakia shows that over the entire area the ground water levels have increased or have not been affected. The increases have mainly occurred in the upstream area close to the reservoir, i.e. in the area which has been most negatively affected by the long term trend of decreasing ground water levels. On the Hungarian side it appears that ground water levels have increased close to the reservoir (Rajka - Dunakiliti region). Furthermore, it appears that in the middle part of Szigetköz between Dunakiliti and Ásványraro ground water levels have decreased in areas close to the main Danube. On both sides the ground water level fluctuations have been reduced significantly. The Gabčíkovo hydropower plant has produced 150 - 200 Gwh/month in 1993. This corresponds to about 10% of Slovakia's electricity consumption.

In addition minor impacts or no significant impacts could be detected from the available data until now for surface water quality, ground water quality, flora and fauna, agriculture and forestry.

The Working group recommended that the present monitoring practice in Hungary and Slovakia should be continued. In addition, some aspects (e.g. sedimentation and erosion, flora and fauna) require more measurements.

Based on the monitoring data the Working Group will from now on prepare recommendations for a Temporary Water Management Regime as well as for necessary discharges, water levels and remedial measures. Temporary means in that case for about the next three years until the decision of the International court of Justice is expected. The final report of the Working Group is scheduled for the beginning of December 1993.

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE SLOVAK REPUBLIC TO EMBASSY OF THE
REPUBLIC OF HUNGARY, 15 NOVEMBER 1993

NOTE VERBALE

268/93 -NO

The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary and has the honour to communicate that the Ministry of Foreign Affairs of the Slovak Republic, at any time that is suitable for the Hungarian side, is ready to hold negotiations on the questions of the Slovak Republic's state succession to bilateral international conventions and agreements which were concluded between the Czechoslovak Federal Republic and the Republic of Hungary.

The Ministry of Foreign Affairs of the Slovak Republic avails itself of this opportunity to renew to the Embassy of the Republic of Hungary the assurances of its highest consideration.

15 November 1993

Annex 129

A MAGYAR KÖZTÁRSASÁG KÜLÖGYSZÉKÉNEK
NEMZETKÖZI JOGI FŐOSZTÁLY



MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY
INTERNATIONAL LAW DEPARTMENT

Note Verbale

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and has the honour to refer to the Verbal Memorandum of the Ministry of the Slovak Republic delivered on 13 July 1993 to the Embassy of the Republic of Hungary in Bratislava, in connection with the Hungarian parliamentary appropriation for the demolition of the Nagymaros coffer dam and the restoration of the surrounding areas.

In this connection the Ministry of Foreign Affairs wishes to point out that it was at the insistence of the Slovak side that Article 4 was inserted in the Special Agreement of 7 April 1993. Under that Article, the Parties agreed that, during the period before the temporary water management regime was established, they could request immediate consultation and reference, if necessary, to experts, including the Commission of the European Communities, with a view to protecting any rights a Party believes may be endangered. It was further agreed that, by reason of the availability of experts, including the Commission of the European Communities, the Parties would not during this period seek protection from the Court under Article 41 of the Statute.

The request contained in the Verbal Memorandum of the Ministry of Foreign Affairs of the Slovak Republic is in the nature of a request for interim measures of protection, and it is open to the Slovak Republic to request consultation and reference to experts under Article 4 of the Special Agreement. Alternatively, the Government of the Republic of Hungary would be prepared to consider referring all issues of interim measures of protection in relation to the dispute between the parties to the International Court of Justice under Article 41 of the Statute, on the basis of an understanding that each party would agree to comply with any measures of protection eventually indicated by the Court.

The Ministry of Foreign Affairs wishes further to point out that the coffer dam at Nagymaros was erected as a temporary structure and was not one of the installations covered by the provisions of the Treaty of 1977 to which the Ministry of Foreign Affairs of the Slovak Republic refers. The coffer dam, as a temporary structure, was warranted safe only for a few years and its safety cannot now be relied on. Moreover, the purpose for which the coffer dam was constructed has lapsed with the disappearance of the Treaty of 1977. The Ministry of Foreign Affairs believes that the Government of the Republic of Hungary was fully entitled to seek from the Parliament an appropriation of money with the view to the demolition of the coffer dam at Nagymaros.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Slovak Republic the assurances of its highest consideration.

Budapest, 25 November 1993.



Annex 130

**GROUP OF MONITORING AND WATER MANAGEMENT EXPERTS FOR THE
GABCIKOVO SYSTEM OF LOCKS**

*Minutes from third meeting of the Group of Experts on November 28
- December 1 1993 in Bratislava.*

All five members of the Working Group participated in the meeting. In addition the Hungarian and Slovakian experts were supported by a number of associate experts. The participants are listed in Appendix A.

The Working Group was welcomed to Slovakia by Mr. Dominik Kocinger who on behalf of the Slovak Government expressed the wish for a successful meeting. Furthermore, he mentioned that the Slovak Government would like to see the result obtained so far by the Working Group, i.e. the Data Report, be published and made fully available to the public.

On the first night of the meeting Mr. Jan Lisuch hosted a lunch on behalf of the Slovak Ministry of Foreign Affairs. Mr. Lisuch welcomed the members of the Working Group to Bratislava and expressed the wish for a successful work.

1. Approval of agenda

The meeting was opened at 17⁰⁰ hours on November 28 by Johann Schreiner who presented a proposal for a work plan for the following days. The meeting was chaired by Johann Schreiner.

2. Logistics of first meeting

The Working Group held all its meetings at Karloveska 2, Bratislava, where meeting room facilities and other necessary logistics were made available.

3. Report on Temporary Water Management Regime

The home work agreed at the last meeting to be carried out by all three parties had basically been carried out within

the deadlines agreed upon. On this basis the EC experts had prepared a Draft Final Report, which was presented as the basis for the discussions at the beginning of the meeting on November 28.

The final report with recommendations for a Temporary Water Management Regime as well as for necessary discharges, water levels and remedial measures was completed by the end of the meeting.

4. Possibility for CEC support to strengthening of monitoring system

As a follow-up to the decision at the last meeting Slovakia and Hungary presented specific proposals including financial estimates for monitoring programmes.

An overview of the topics and the cost estimates is provided in Appendix B. The estimated costs for a three year programme are 2.5 mill ECU for the Slovakian part and 5.3 mill ECU for the Hungarian part.

The Working Group did not have time for studying the specific proposals but confirmed that the topics were in agreement with the recommendations made in the Data Report of 2 November 1993.

As the Working Group does not exist after the completion of this meeting, it noticed that further progress in implementation of the recommendations on strengthening of monitoring system will now depend on the two governments and the CEC.

5. Communique

The communique enclosed as Appendix C was agreed upon.

6. Other issues

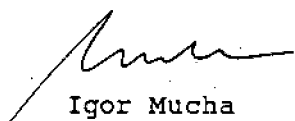
Mr. Gabor Vida distributed a new report prepared on changes in ground water levels "Ground Water Level Szigetköz Area, Budapest November 1993".

The enclosed appendices A - C form part of the official minutes.

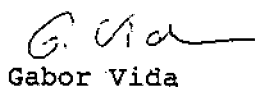
Bratislava, 1. December 1993



Johann Schreiner



Igor Mucha



Gabor Vida



Jan M. van Geest



Jens Christian Refsgaard

APPENDIX A Participants of the first meeting of the Working Group

Members of the Working Group

Johann Schreiner, EC
Jan M. van Geest, EC
Jens Christian Refsgaard, EC
Igor Mucha, Slovakia
Gabor Vida, Hungary

Associate experts from Hungary

Sándor BOLLA
Károly BAROSS
Adrienne HAJÓSY
Lajos HORVÁTH
Pál LIEBE
Ferenc MÉSZÁROS
Zoltán NAGY
Jenő SASS
János SZEKERES
György TÓTH

Associate experts from Slovakia

Ludek Krajhanel
Ferdinand Kubicek
Stefan Molnar

ESTIMATED COSTS FOR STRENGTHENING OF MONITORING SYSTEM

Proposals from Slovakia

Item	In acc. with Data Report ?	Organisation	Cost k-ECU	Remarks
Discharge				
Check of calibration curve at bypass weir, Cunovo	Yes	VUVH	30	
Check of calibration curves at turbines, Gabčíkovo	Yes	VUVH	49	
Check of rating curves at Rajka and Dunaremete	Yes	VUVH	24	
Water levels on floodplains				
15 stations	Yes	VUVH	71	Three years
Quality analyses				
Surface water and sediment	Yes	VUVH	672	Three years
Sediment transport				
Bed load + suspended load	Yes	VUVH	1,312	Three years
Biomonitoring				
Floodplain forests	Yes	Inst. of Landscape Ecology	80	Three years
Monitoring of Fauna	Yes	PRIF UK	207	Three years
Geobotanical Monitoring of Phytocoenoses	Yes	PRIF UK	100	Three years
			2,545	

1 ECU = 36.5 SKK

ESTIMATED COSTS OF THE MONITORING
(in millions of HUF)

	Running costs (annual)	Investment costs
HYDROLOGY		
1. Discharge:	12	32
2. Surface water level:	5	15
3. Suspended sediment disch.:	4	2
4. Bed-load discharge:	6	3
5. Ground water level:	15	35
WATER QUALITY		
6. Surface water quality:	35	30
7. Ground water quality:	24	10
BIOLOGY		
8. Geobotanic:	2	-
9. Bird:	1	1.5
10. Fish:	1	3.5
11. Carabidae:	1	-
12. Orthoptera:	0.5	-
13. Mollusca:	0.5	-
14. Plankton:	1	-
15. Forestry:	3	1
16. Agriculture:	5	-
OTHERS		
River mapping:	11	-
Quality analysis of susp. material:	5	-
Sum of the costs:	132	133

No: 16/94-NO

The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary in Bratislava and has the honour to refer to the Note Verbale of the Ministry of Foreign Affairs of the Republic of Hungary No. J-11/82/1993 of November 25, 1993.

The Ministry of Foreign Affairs of the Republic of Slovakia firmly rejects the reference to the "disappearance of the Treaty of 1977" as a justification for the demolition of the coffer dam, the status of the Treaty of 1977 being one of the issues placed before the Court for resolution under Article 2 (1) (c) of the Special Agreement of April 7, 1993. The unilateral dismantling of the surrounding dyke at Nagymaros is thus contrary to the obligation of the Republic of Hungary to act in good faith pending the resolution of the dispute by the International Court of Justice.

The Note of Protest the Ministry of Foreign Affairs of the Slovak Republic of July 13, 1993 draws attention to this fact. It is not, contrary to what is asserted by the Note Verbale of the Ministry of Foreign Affairs of Hungary of November 25, 1993 "in the nature of a request for provisional measures".

Furthermore the Slovak Republic cannot share the interpretation of Article 4 of the Special Agreement contained in the Note Verbale of the Ministry of Foreign Affairs of the Republic of Hungary of November 25, 1993.

In the view of the Republic of Slovakia, the unilateral dismantling of the surrounding dyke at Nagymaros not only is contrary to the obligation to act in good faith pending the judicial resolution of the dispute, but it is a further violation of the 1977 Treaty. For all these reasons, the Republic of Slovakia reserves all its rights, and observes that the Republic of Hungary would take any such actions cause damage to the Republic of Slovakia, this will add to the existing, substantial damages which Slovakia intends to claim against the Republic of Hungary in the proceedings before the International Court of Justice.

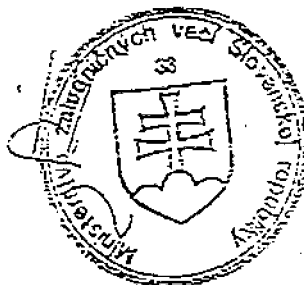
Embassy
of the Republic of Hungary

B r a t i s l a v a

The Republic of Slovakia has the honour to notify the Republic of Hungary of its intention to place these diplomatic exchanges before the International Court of Justice and, as a courtesy, before the Commission of the European Union.

The Ministry of Foreign Affairs of the Slovak Republic avails itself of this opportunity to renew to the Embassy of the Republic of Hungary in Bratislava the assurances of its highest consideration.

Bratislava, January 12, 1994



J-8/EK-1/1994

Mr. Pablo Benavides
Director
Directorate-General,
External Economic Relations
Commission of the European Communities

Brussels

Budapest, January 14, 1994

Dear Mr. Director,

I refer to your letter of December 22, 1993, relating to the Report on Temporary Water Management Regime of December 1, 1993, of the Working Group of Monitoring and Water Management Experts for the Gabčíkovo System of Locks. In that Report, the experts appointed by the Commission recommend to the parties an interim water management regime, as described in paragraph 9.3.

A most important part of the background to the Report is the commitment of the parties to agree upon and establish a temporary water management regime. That commitment is contained in Article 4(1) of the Special Agreement of April 7, 1993, and is even stated to be a fundamental obligation (see Article 4(3)). Thus while it is true, as the Working Group points out at page 70 of its Report, that a decision has to be made on which regime should be implemented, the commitment to "establish and implement a temporary water management regime for the Danube" has already been made by both parties. Moreover both parties have agreed to the involvement of the European Commission in seeking to establish such a regime.

As you are aware, we have reached the present stage only after arduous negotiations. The negative effects of the Variant 'C' structures on nature and the environment have become obvious, as the European Parliament has already noted. But during all this time the Slovak Republic has done nothing to mitigate the damage occurring in the common riverbed downstream of the Variant C structures, while the European Commission has paid a growing attention to the Slovak energy production, irrespective of our ecological damages (cf. London: 95 per cent, Brussels: 70 per cent, Bratislava: 40 per cent water discharge to the common section of the Danube).

Under these circumstances, and in particular having regard to Article 4 of the Special Agreement, the Government of Hungary, despite the dissenting opinion of the Hungarian expert, has therefore come -- reluctantly but firmly -- to the conclusion that there is no other realistic way to mitigate these negative effects in the short term than that of the elaboration of the interim regime recommended by the EC Members of the Working Group.

Accordingly the Government has decided, provided that the Slovak Republic shall, by January 15, 1994, have given a similar commitment on its part, to negotiate an agreement to give effect to the recommendation by the EC Members of the Working Group, on the establishment and implementation of the temporary water management regime until March 31, 1994, at the latest.

Assuming that it too accepts the recommendations of the EC Members of the Working Group, I would be grateful if you could seek from the Government of the Slovak Republic a commitment to agree, by February 15, 1994, on the establishment and implementation of the temporary water management regime..

Since there is no basis for any belief that such a regime could be agreed upon and effectively implemented without the involvement and mediation of the Commission, and since the regime will include a Temporary Water Management and Monitoring Committee, I trust, while expressing the gratitude of my Government for the Commission's assistance and involvement, that the Commission will be prepared to continue to play a similar role in the forthcoming negotiations on the agreement for a temporary water management regime, as well as through membership and participation in that Committee.

Dear Mr. Director,

While confirming the preparedness of my Government to agree on the recommended temporary water management regime, I would not miss the opportunity to comment on and stress several important features of this regime.

First, the regime is to be applicable "pending the final judgment of the Court". It is a short-term measure only.

Secondly, the overall object of the regime is the "minimization of any irreversible developments", and not in any sense the establishment of a balanced long-term regime which takes into account the rights of the parties, as they will have been established by the judgment of the Court, as well as sustainable environmental conditions.

Thirdly, it is also implicit in the Committee's Report that the regime is established without prejudice to the rights and legal positions of the parties, including those under the London Agreement of 28 October 1992.

Fourthly, the recommendations constitute a package. No excuse of a technical nature can excuse either party from compliance with the agreement establishing the regime.

These are the understandings of my Government, which underlie its reciprocal commitment to agree on the establishment and implementation of the temporary water management regime recommended by the experts appointed by the Commission in the Report of the Working Group.

Dear Mr. Director,

I said above that my Government has come to the conclusion expressed in this letter firmly but reluctantly. Although this does not in any way detract from its commitment to the interim regime recommended in the Working Group's Report, in order to avoid any misunderstanding I feel I should outline my Government's attitude to the scientific and environmental issues addressed therein.

The Government of the Republic of Hungary believes that the proposed regime falls far short of the minimum necessary to provide real protection to the environment, including natural resources, of the region. It is in no way a model or even an indication of an acceptable long-term solution.

There are two main reasons for this.

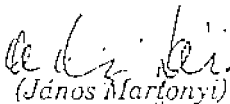
First, as to the volume of discharge: 400 m³ per second is far too low a minimum, especially taking into account floods which will artificially increase the average discharge. This is particularly the case since, even according to the Slovak party, the variant C structures are able at present to release 600 m³ per second. No allowance is made for seasonal variation, and in particular the need for greater flows in the vegetation period. In these circumstances the recommended average should be measured on a half-yearly basis. Moreover the recommended average falls far short of that contained in the London Agreement of 28 October 1992, in the formulation of which the Commission itself was involved.

Secondly, as to the question of underground weirs: experience shows that they are not a solution for environmental problems. Their hypothetical short-term advantages they may have are outweighed by the damages they will undoubtedly cause to the environment. These include a significantly lower water velocity leading to sedimentation, colmatation, a decreased infiltration into the ground-water system, and an increased risk of eutrophication. They prevent the natural formation of river-bed structures and are harmful to riverine ecology. Their construction (and, at the end of the temporary regime, their removal) will cause additional damage to flood-plain ecosystems.

Despite these criticisms, I hope that it may be possible, in giving effect to the recommended regime, to optimize its daily operation so as to ensure, in the words of the Working Group, that its dynamics "become as close to the pre-dam conditions as possible". But -- I repeat -- the proposed regime falls well short of what would be an acceptable solution to the dispute, that is to say, a real reversion to pre-dam conditions through the dismantling of the unlawful structures of Variant C.

The Government of the Republic of Hungary notes that the Report of December 1, 1993 is a Final Report, and has formulated its attitude to it as such. No further attempts by the Slovak Republic to attenuate the environmental protections required for the region can thus be tolerated and my Government hopes that you will make this clear in your communications with the Government of the Slovak Republic.

Yours sincerely,


(János Martonyi)

Annex 133

A MAGYAR KÖZTÁRSASÁG KÜLÖGYSZÉKÉNEK
NEMZETKÖZJOGI FŐOSZTÁLY



MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY
INTERNATIONAL LAW DEPARTMENT

J-8/T-8/1994

Note Verbale

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and with reference to the Note Verbale No 16/94-NO of January 10, 1994, of the Ministry of Foreign Affairs of the Slovak Republic addressed to the Embassy of the Republic of Hungary in Bratislava, has the honour to communicate the following.

The Ministry of Foreign Affairs of the Republic of Hungary cannot understand the statement made in the Note Verbale referred to above, that the demand of the Slovak Republic for the retention of the coffer dam at Nagymaros is not in the nature of a request for provisional measures. The views of the parties on the existence or non-existence of the Treaty of 1977 are well-known. In the period prior to the judgment of the International Court of Justice, the retention of this coffer dam is plainly a matter of interim measures of protection, and in its Note Verbale No J-11/88/1993 of November, 1993, the Ministry of Foreign Affairs of the Republic of Hungary suggested two ways in which that matter might be resolved.

Nor can the Ministry of Foreign Affairs of the Republic of Hungary see what damage might be caused to the Slovak Republic by demolition of temporary structures on Hungarian soil which have passed the period in which they can be safely used for their original purpose.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Slovak Republic the assurances of its highest consideration.

Budapest, January 19, 1994.

Embassy of the Slovak Republic

Budapest



J-8/EK-3/1994

Mr. Pablo Benavides
Director

Directorate-General,
External Economic Relations
Commission of the European Communities

Brussels

Budapest, January 24, 1994

Dear Mr. Director,

I refer to my letter of January 14, 1993, relating to the Report on Temporary Water Management Regime of December 1, 1993, of the Working Group of Monitoring and Water Management Experts for the Gabčíkovo System of Locks. May I recall in this respect that there are some crucial deadlines which are of great importance for the Hungarian party as stressed in that letter.

Since the deadline indicated by the EC passed without any information on reactions of the other party, I would be grateful if you could, apart from the acknowledgment of the receipt of my letter, communicate to me proposed actions of the European Commission in order to ensure that the Slovak Republic will comply with its earlier engagements. You certainly share my views that negotiations should start as soon as possible on an Agreement concerning the establishment of the Temporary Water Management Regime, as provided for in the Special Agreement of April 7, 1993.

Budapest, January 24, 1994

Sincerely yours


(János Martonyi)

Annex 135



EUROPEAN COMMISSION

DIRECTORATE-GENERAL I
EXTERNAL ECONOMIC RELATIONS

I/E - The Director

Brussels,

26305 27 JAN '94

Dear State Secretary ,

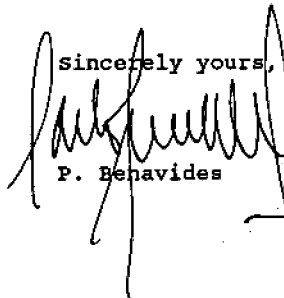
Thank you very much for your letter of January 14 last explaining the position of the government of Hungary on the recommendations by the Community appointed experts for a Temporary Water Management Regime as well as for your letter of January 24 last concerning the fact that the Slovak government has not yet informed the Commission of its position.

I would like to express the great appreciation of the European Commission for the Hungarian government's conclusion that "there is no other realistic way ... than ... the elaboration of the interim regime recommended by the EC members of the Working Group". The Commission is fully aware of the difficulties which the Gabčíkovo project presents for Hungary. The efforts made by the Hungarian government to reach this constructive position only further heighten our appreciation. Your government's position can be expected to play a very positive role in the finalizing of a mutually acceptable solution with the Slovak side.

Please be assured that I have also taken careful note of all other points raised in your letter.

As to the Slovak government's position I can inform you that Secretary of State Lisuch wrote to me early this month that he was confident that his government's position could be communicated to the Commission by the end of January. When no reply had been forthcoming by January 15 I informed Mr Lisuch in writing that the Hungarian government had replied by the deadline of January 15 and reminded him of the importance of reaching a compromise as early as possible. Indicating that Member States were following developments most attentively, I concluded by urging the State Secretary to send his government's reaction to the experts' proposals soon in order for the Commission to be able to convene a final tripartite meeting.

Sincerely yours,



P. Benavides

Mr. Janos Martonyi
State Secretary
Ministry of Foreign Affairs
of the Republic of Hungary

No.: 58/94-NO

The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary in Bratislava and with reference to the latter's Note No. K/E/7/1994 of January 27, 1994 has the honour to convey the following:

Dr. Lajos Zsémbecki, Director General of OVIKER and his colleagues, who are studying the Variant "C", should enter in a direct contact with the government plenipotentiary of the Slovak Republic for the construction and operation of the Gabčíkovo - Nagymaros System of Water Works, Ing. Dominik Kocinger, Dobrovišova 12, 812 66 Bratislava, tel. 364426, fax 326509 who will help them with the access to the documentation concerning the Variant "C".

The Ministry of Foreign Affairs of the Slovak Republic would like, at the same time, appreciate the readiness of the Hungarian side to provide information about the present situation of the construction site of the Gabčíkovo / Nagymaros System of Water Works if required by the Slovak side.

The Ministry of Foreign Affairs of the Slovak Republic avails itself of this opportunity to renew to the Embassy of the Republic of Hungary the assurances of its highest consideration.

Bratislava, February 1, 1994



Embassy of the Republic of Hungary

Bratislava

MINISTRY OF FOREIGN AFFAIRS
OF THE SLOVAK REPUBLIC

State Secretary
: ŠANIŠEŠUCH

Bratislava, February 7 1994

Dear Mr. Benavides,

With reference to your letter 2574E of January 16, I would like to inform you that the government of the Slovak Republic has carefully studied the results of the work of the Working group of monitoring and water management experts for the Gabčíkovo system of locks as well as the proposal of the EU experts concerning the Temporary Water Management Regime. It took into account that the Working group had not succeeded to elaborate a common proposal for the TWMA which would have been supported by the EU experts, as well as by the Slovak and Hungarian experts.

The government of the Slovak Republic highly appreciates that with the help of the EU experts it was possible, in some respects, to bring nearer the standpoints of the Slovak and Hungarian sides.

The government is of the view that the measures the realization of which is still the object of different opinions of both sides, should be further discussed. The negotiations would be facilitated by further monitoring which can bring new information and thus promote an agreement in still opened questions.

Mr. Pablo Benavides
Director General
For External Economic Relations -
Commission of the European Union
Brussels

Concerning the above mentioned proposal for the TWR submitted by three EU experts, the Slovak government is of the view that it contains many valuable elements which could be implemented in a short time and at a relatively low cost. Their implementation could have an immediate positive impact on the environment and should not be further postponed.

On the other hand, the volume of the average discharge into the old river bed which has very important economic implications should be further considered.

The above mentioned measures aimed at improving hydrological conditions in the right side inundation area, contained in the proposal of three EU experts, served therefore as a basis for a new proposal of the Slovak government which is enclosed to this letter.

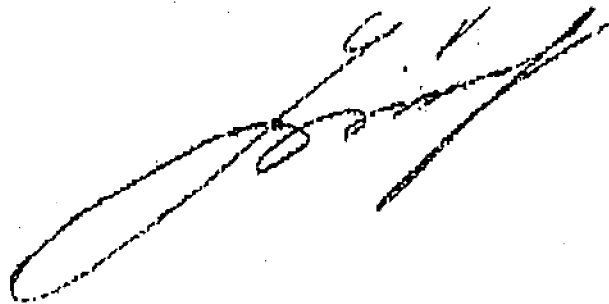
The central idea of this proposal is the realization of further negotiations on the TWR and its implementation in two stages. This should enable to put into effect first those measures which hopefully can already provide a basis for an agreement. The Slovak government does not consider it appropriate to wait with these measures until all questions are solved.

The Slovak government would like to stress that it considers it very important that the monitoring, exchange of information and systematical evaluation thereof continue. On the basis of continuously collected data it would be possible to conclude the negotiations on the appropriate discharge and possible measures in the old Danube river bed.

I hope that the proposal of the Slovak Republic will meet with understanding of the European Union and first practical results will be reached in a near future.

In making this proposal the Government of the Slovak Republic would like to emphasize that it relates to a temporary water management régime. It is not a reflection of the Government's view of its obligations under the 1977 Treaty with Hungary. On the contrary, it is a régime necessitated by Hungary's failure to perform that Treaty. It therefore follows that the temporary régime will lose its raison d'être when full performance of the Treaty is resumed.

Sincerely yours,

A handwritten signature in dark ink, consisting of several fluid, overlapping strokes that form a cursive name, likely 'G. V. V.' or similar.

P R O P O S A L

for the temporary water management regime of the Gabčíkovo system
of locks

The proposal for the temporary water management regime of the Gabčíkovo system of locks (hereinafter TWMR) submitted by the Government of the Slovak Republic is based on following reports of the Working Group of Independent Experts of the Commission of the European Communities, the Hungarian Republic and the Slovak Republic on monitoring and TWMR :

1. DATA REPORT - Assessment of Impacts of Gabčíkovo Project and Recommendations for Strengthening of Monitoring System, Budapest, November 2, 1993.
2. Report on Temporary Water Management Regime, Bratislava, December 1, 1993.

The evaluation of the results of monitoring proves that putting the Gabčíkovo system of locks into operation by means of a temporary solution has not caused significant ecological damages, nor any ecological catastrophe or emergency situation. On the contrary, the results show convincingly that a lot of long term negative trends characterising the pre-dam situation have been stopped and that the environmental, agricultural and forestry conditions, flood protection and navigation have been improved considerably in many respects. There is also a clear economic and ecological benefit drawn from the production of nearly 2 000 GWH/year of electrical energy.

The positive impacts of the Gabčíkovo system of locks clearly prevail over the negative impacts which are consequences of the fact that the Gabčíkovo part of the Project could not have been realized in the whole extent according to the original Joint Treaty project and some measures could not have been realized without the Hungarian side.

Some negative impacts of the present operation of Gabčíkovo system of locks could be minimized by mutual cooperation of both sides. The Slovak Republic sincerely wishes that the operation of waterwork Gabčíkovo has the same positive impacts on the Hungarian territory as it has on the Slovak side.

c) It would be also possible to construct the underwater weir on the Slovak territory, in order to enable the interconnection between the old river bed of the Danube and the Hungarian branch system and thus to fill Hungarian branch system directly from the Slovak territory.

In case of an agreement on the implementation of any of these measures it would be necessary that Hungarian side adopts such measures on its territory that the mentioned water discharge could be effectively utilized.

All works proposed with the aim to fill Hungarian branch system with water are reversible and in comparison with existing closures of the Danube branches (inlets and outlets) easily removable.

III. CONCLUSIONS

After filling the right side branch system with water, the impact on water regime will be evaluated on the basis of continued monitoring and the question of discharge in the old river bed of the Danube will be considered in order to ensure the manipulation regime with regard to:

- level of groundwaters in left and rightside inundation,
- sufficient velocity of water flow in the old river bed of the Danube,
- water quality in the lower part of reservoir and power canal.

Without regard to these stages and provided that the hydrological conditions make it possible there will be up to three floodings of the inundation area a year with discharge higher than 3500 m³/s.

The objectives of this proposal are as follows:

- water levels and velocity in the branch system on the Slovak and Hungarian territory must be much better as compared to pre-dam conditions, they must at least approximately respond to the state before closing the branch system realized in the past for navigation purposes,
- groundwater level must be substantially higher as compared to the pre dam conditions when it was long-term negatively influenced,

According to the conclusions of the 2nd report of the Working Group of Independent Experts the TWMR should be based on the combination of elements from several scenarios. The scenarios have one common aim - to provide Hungarian river branches with sufficient discharge of water in order to ensure the same beneficial conditions as they already exist in the Slovak branch system since May 1993. Different technical solutions for providing Hungarian river branches with water are described in different scenarios. Nevertheless, as to the substance it seems that an agreement is emerging.

The Slovak side proposes therefore to proceed in two stages to reach progress in negotiations on TWMR.

- in the first stage, to agree and realize the filling of the Hungarian branch system with water and all related technical measures, while maintaining the present discharge in the old river bed of the Danube,

in the second stage to solve the question of discharge and eventual measures in the old river bed of the Danube.

1. stage

It is necessary to guarantee the discharge of water 40 m³/s into the Hungarian branch system. This aim can be reached by one of the mentioned means or their combination.

a) The most advantageous solution would be the realization of the underwater weir in the old river bed of the Danube. The Slovak and Hungarian authorities have already once issued the legal authorization for the construction of such an underwater weir in the rkm 1843.

The construction of a low underwater weir is the simplest alternative from the technical and economic viewpoint. "This solution provides the best water management possibilities and the minimum risk of damage during floods." (Report on TWMR, page 35). Under optimum conditions, it is possible to construct this underwater weir in very short time.

b) It would be also possible to improve the water management regime in the Hungarian inundation area by providing higher discharges (20-40 m³/s) into the Hungarian river branch system through the intake structure into the Mosonyi Danube.

water quality not only in the reservoir and in the old river bed of the Danube but also in the branch system on both sides must be the best possible,

water velocity in the old river bed cannot be comparable to the pre-dam situation when the whole discharge was concentrated into one river bed still deepened in navigation line, but to more natural conditions. This is the question of number, level and form of underwater weirs, the question of river bed and progressive natural degradation of artificial embankments, not only of the water discharge,

it is necessary to construct fish passes on the Slovak and Hungarian side (a part of the measures has already been realized on the Slovak side),

within discharges set up with regard to mentioned objectives the maximum production of electrical energy should be given.

February 8, 1991

Annex 138

LETTER FROM MR DOMINIK KOCINGER, SLOVAK GOVERNMENT PLENIPOTENTIARY TO DR. LAJOS ZSÁMBOKI, THE MANAGING DIRECTOR OF OVIBER, 8 FEBRUARY 1994

**Dominik Kocinger, Engineer
The Slovak Governmental Plenipotentiary
regarding the Gabčíkovo-Nagymaros Barrage System**

Bratislava, 8 February 1994
Number: 54/94-110

Dear Mr. Managing Director,

It was with great interest that I studied your commission regarding the supplementary information related to the commencement of operations of the Gabčíkovo Barrage according to Variant "C".

As the leader of the former KOCS, appointed by the Governmental Plenipotentiary regarding the Gabčíkovo-Nagymaros Barrage System, you are certainly familiar with the preparations for the KOCS negotiations.

I hereby declare to you that my commission in relation to my status as the Governmental Plenipotentiary regarding the Gabčíkovo-Nagymaros Barrage System remains valid.

Unfortunately, I must declare to you that the Slovak republic has not authorised me to lead the negotiations, nor has it authorised me to release any fundamental information to the opposing party in relation to the proceedings before the International Court of Justice.

All information which may be of interest to the Hungarian party is included in the report made by the experts of the European Community, in the declaration made between Hungary and Slovakia between November and December 1993 and in the Note Verbale forwarded to you by the Foreign Ministry of the Slovak Republic on 12 December 1993 and I consider these, for the present, to be entirely sufficient.

Respectfully
Dominik Kocinger

To: Dr. Lajos Zsámboki
Managing Director of OVIBER
Budapest

Telefax-Mitteilung von der Norddeutschen
 Naturschutzakademie
 Hof Möhr
 29640 Schneverdingen
 Telefon: 05195/318

Von: Johann Schreiner
 From:

Datum:
 Date:

An: Pablo BENAVIDES
 To:

Uhrzeit:
 Time:

Fax-Nr. Empfänger: 0032-2-2958009
 Fax-No. receiver:

Betr./Subject:

Seite/Page 3

Dear Mr. Benavides,

thank you very much for your fax message from February, 8. In agreement with Mr. Jens Christian Refsgaard and Mr. Jan H. v. Geest I send you our comments to the letter of State Secretary Jan Lisuch with the enclosed proposal.

1. General remarks

As far as we can see the Slovakian letter/proposal is a political response aiming at delaying the final decision regarding the necessary discharge into the Old Danube.

To our knowledge there are no new arguments and no movement in the fundamental positions from both sides, that can justify to start further discussions. Further monitoring without any measures does not improve the present situation as described in the reports and does not facilitate the negotiations. 1/2 - 1 year more field data will not change the basis for decision substantially. Thus, considering the short time duration of the Temporary Regime and the urgency of the problem, we recommend not to delay this decision.

2. The discharge discussions

The main factor in our recommendations is the discharge into the Old Danube. Raising the discharge, together with the implementation of the other recommended measures, will have an immediate positive impact on the environment.

The reason why the Working Group did not succeed in elaborating a common proposal for the TWMR was the inflexibility concerning the discharge to the Old Danube by both countries. The Slovakian expert insisted on a discharge of 400 m³/sec, the Hungarian expert on a discharge of 1200 m³ on an average. The proposal of the EC-Experts was in this case a kind of compromise.

In the alternative (b) of the new Slovak proposal the discharge of the intake structure has to feed two other systems too. Thus only a discharge of about 20-25 m³/sec will be available for the right side branch system.

3. Evaluation of the impacts

The impacts of putting the Gabčíkovo system of locks into operation have been described by the Working Group in the Data Report from November 2, 1993 (page 56-59). It may be, that the evaluation scale for environmental impacts in the Slovak Republic is quite different, but every expert in the rest of Europe will regard it as a significant ecological damage if the average discharge of a river is reduced to about 20 % as compared to natural conditions, if 4500 ha of alluvial forests are seized (see the Fauna-Flora-Habitat Directive of the CEC), if there is a reduction of the natural fluctuations of the ground and surface water levels nearly to zero and so on.

We agree, that the situation is better than it would have been when executing the original Treaty Project.

Location of the underwater weir

In our recommendations we have chosen the place for the upstream inundation weir at RKM 1845.5 instead of RKM 1843.0 because of the following reasons:

- To improve the operational reliability of water supply from the inundation weir, the crest level has to be the same; this means that an underwater weir at 1843.0 must be higher, because it is further downstream. For ecological reasons underwater weirs must be as low as technically possible.
- Upstream the underwater weir up to the inundation weir there is lower flow velocity. For ecological reasons sections with lower flow velocities must be as short as possible. Moving the underwater weir downstream to RKM 1843.0 yields in a 2.5 km longer reach with lower flow velocities.
- RKM 1845.5 is the most upstream situated point where it makes sense to manage direct water supply to the side branch system in the Hungarian flood plain.
- The underwater weir at RKM 1843.0 was planned by some Hungarian technicians at this special place to have the possibility to guide the water, flowing in the Old Danube, into the Donakiliti canal and to have the possibility for a Hungarian hydropower plant. This would cause additional environmental impacts and further decrease of water discharge between RKM 1843 and 1841.

The alternative (c) in the new Slovak Proposal with an underwater weir on Slovakian territory is a new idea. We suppose they mean that the underwater weir would be located just upstream (eg. 50-100 m) the border. We have not studied whether this is technically feasible in combination with the other Slovakian construction works (spillway from inundation weir).

But assuming a technical feasibility is may be a good idea, which even would avoid Hungary from formally accepting one of the two underwater weirs on their territory. But, as far as we know, another canal must then be digged to connect the river upstream the weir with the side branch system.

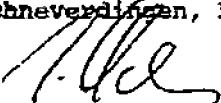
In this connection the total discharge at Cunovo is not mentioned. Does the 40 m³/sec to the side branch system mean, that this amount of water is missing for the Old Danube?

5. Impacts on water velocity

Water velocity in the Old Danube is an important factor for the river ecosystem. The present situation is, that, due to the lower water velocity, the originally clean gravel bed is covered with silt and other fine material and therefore it fails as habitat for river benthos organisms and for fish species spawning on gravel ground.

Water velocity increases with increasing discharge and with reduction of the cross-section of the river. It decreases with decreasing discharge, with underwater weirs (decreasing of the upstream slope) and increasing cross-section (removing the thresholds to the side branches). That is why recommendations of the EC-Experts consist of a package of measures with an average discharge of 800 m³/sec, which is significant lower than 2000 m³/sec, the natural average discharge, together with additional measures.

Schneveidingen, February 10, 1994



Johann Schreiner
Professor and Head of the NNA



COMMISSION EUROPÉENNE
DIRECTION GÉNÉRALE
Relations Politiques Extérieures
I.A.B. Le Directeur

Bruxelles, le 18 février 1994

KÜLÖGYSZÉK	
Nemzeti köz. Igazgatóság	
Erkezett:	1994. febru. 21
Ikt. szám:	J-8/EK/8/1994
Műhely:	—

Monsieur le Secrétaire d'Etat,

Tel que je l'ai promis à votre Ambassadeur, M. Granasztoi, je tiens à vous informer sur le cours des démarches concernant le différend sur Gabčíkovo Nagymaros.

Après plusieurs délais demandés par les autorités slovaques celles-ci n'ont fait parvenir leur proposition le 8 février que j'ai transmis pour avis technique à l'équipe d'experts dirigée par M. Schreiner. Mes réactions immédiates aux propositions slovaques ont été par après confirmées par nos experts et peuvent se résumer de la sorte :

Sur le plan des mesures proposées par la partie slovaque les bases pour un arrangement ou un compromis existent, notamment du fait que la partie hongroise a accepté le principe de base de certaines de ces mesures et très spécialement de la construction des barrages (underwater weirs) sur le cours du Danube. En revanche, si sur un plan qualitatif les mesures proposées semblent acceptables, sur un plan quantitatif l'absence d'un engagement slovaque sur le débit minimum d'eau dans le Danube rend tout compromis extrêmement difficile et la Commission ne saurait souscrire aux propositions slovaques. Une réunion trilatérale s'avère, donc, inutile tant qu'un engagement sur ce point n'est pas acquis du côté slovaque.

Sur la base de cette réaction les Etats membres ont été saisis et une démarche de la Troïka auprès du Premier Ministre Meciar a eu lieu pour souligner l'engagement de principe de la Slovaquie, la valeur des recommandations des experts, le risque que l'Union se désengage dans la poursuite de ses bons offices et, enfin, la nécessité d'approcher à présent le problème sur des bases politiques.

M. Martonyi
Secrétaire d'Etat
Ministère des Affaires Etrangères
Budapest

Les instances du Conseil sont censées, à présent, être informées du résultat de ces démarches et de décider de la suite d'autant plus urgente que la période de végétation approche et que des mesures s'imposent dans cette perspective.

J'espère, Monsieur le Secrétaire, m'être acquitté de l'engagement que j'ai pris envers vous de vous informer et vous prie d'agréer l'expression de ma considération distinguée.

A handwritten signature in black ink, appearing to read 'Pablo Benavides', written in a cursive style. The signature is positioned above the printed name.

Pablo Benavides

**MINISTÈRE DES AFFAIRES ÉTRANGÈRES
DE LA RÉPUBLIQUE DE HONGRIE**

SECRETARE D'ÉTAT

J-8/EK-9/1994

M. Pablo Benavides

Directeur

***Directorate Générale,
Relations Économiques Extérieures***

***Commission des Communautés Européennes
Bruxelles***

Budapest, le 23 février 1994

Monsieur le Directeur,

Je vous remercie pour l'envoi de votre lettre du 18 février dernier, concernant les démarches en cours dans le différend entre la Hongrie et la Slovaquie à propos du barrage de Gabčíkovo.

Je souscris entièrement au constat selon lequel, pour citer les propres termes de votre lettre, "l'absence d'un engagement slovaque sur le débit minimum d'eau dans le Danube rend tout compromis extrêmement difficile" et je note avec satisfaction que la Commission ne saurait souscrire aux propositions slovaques.

En réalité, force nous est de constater que la position exprimée par la Slovaquie s'analyse comme un véritable refus des propositions de la Commission, acceptées à l'inverse par la Hongrie dans un esprit de bonne volonté et de conciliation.

Je tiens également à vous exprimer l'appréciation du Gouvernement hongrois pour la démarche entreprise par la Troïka auprès du Premier Ministre Meciar et

vous assure de l'attention que mon Gouvernement apportera aux résultats de cette tentative.

Comme vous l'avez à juste titre remarqué, les suites à donner à cette démarche sont d'autant plus urgentes que la période de végétation approche et que des mesures s'imposent dans cette perspective. C'est la raison pour laquelle, au cas où les ultimes efforts accomplis par l'Union Européenne auprès du Gouvernement de Bratislava s'avèreraient infructueux, mon Gouvernement demanderait à la Commission de constater officiellement l'échec de sa tentative de conciliation en raison du refus slovaque de ses propositions.

Le Gouvernement hongrois, au cas où la Commission le jugerait opportun, et en accord avec l'article 4, paragraphe 2 du Compromis du 7 avril 1993 en vertu duquel la Cour Internationale de Justice est actuellement saisie du différend entre les deux pays, souscrirait à la constitution d'un groupe d'experts juridiques désigné par la Commission pour constater, préalablement à l'avis de cette dernière, que la Slovaquie a méconnu par son comportement les termes de l'article 4 du Compromis précité.

Une telle procédure, si elle paraissait opportune à la Commission, devrait toutefois être entreprise dans les délais les plus brefs après l'échec de l'actuelle tentative menée par la Troïka. Pratiquement, et quelle que soit l'inlassable bonne volonté manifestée dans cette affaire par la Commission comme par la Hongrie, nous nous trouvons désormais par la force des choses sans doute à moins de deux semaines du terme définitif de ce généreux effort de conciliation.

Dans l'attente des résultats de ces ultimes démarches, je saisis cette occasion de vous manifester, Monsieur le Directeur, l'appréciation du Gouvernement hongrois pour l'action entreprise par la Commission et par vous-même, et vous assure de ma très haute considération comme de mes sentiments les meilleurs.



pour (János Martonyi)

János Martonyi

Annex 142

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC HUNGARY TO THE EMBASSIES OF GERMANY, NETHERLANDS, FRANCE AND THE MEMBER STATES OF THE DANUBE COMMISSION, 24 MARCH 1994

Note Verbale

Note Verbale from the Ministry of Foreign Affairs of the Republic Hungary present its compliments to the Embassy of Germany in Budapest, also to the Kingdom of the Netherlands, the Republic of France and the Member States of the Danube Commission) 24 March 1994 and has the honour to present the text of the statement of the spokesperson on behalf of the Ministry for Foreign Affairs made on 22 March, 1994.

The lack of serviceability of the weir system of the only water way convenient for navigation constructed in the Slovak reach of the Danube led to the paralysation of navigation on the Danube. This fact made questionable for the interested governments and navigational companies whether, under the present conditions, the utilisation of the Danube as an international river could be regarded as certain and guaranteed.

The Hungarian Ministry for Foreign Affairs on its own behalf shares these doubts. It holds the opinion that the utilisation of the Gabčíkovo power-canal as the only and exclusive water way is doubtful because of the technical and construction facts and errors which have taken place and the construction of an alternative water way in the region of the aforementioned river reach would be justifiable on behalf of the maintenance of continuous and safe navigation.

The Ministry for Foreign Affairs would be pleased if the government of the honoured Embassy which has a special interest in participating in the access to the Danube, would make the above mentioned the object of its consideration and would give information on the standpoint of its government.

Budapest, 24 March 1994

**MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY**

STATE SECRETARY

J-8/EK-13/1994

**Mr. Pablo Benavides
Director**

**Directorate-General,
External Political Relations
Commission of the European Communities**

Brussels

Budapest, March 24, 1994

Dear Mr. Director,

Thank you for your letter of March 7, 1994, forwarding the Slovak proposal for a Temporary Water Management Regime of February 8, 1994, and the EU experts' reaction to it of February 11. It is obvious that the Slovak reply involves a rejection of the EC experts' recommendation of December 1, 1993. I enclose a copy of a Note Verbale which the Ministry of Foreign Affairs of the Republic of Hungary has sent to the other party. In the event of a negative reply or temporizing reply -- an event which I regret to state is to be expected -- I should be grateful if the Commission could define its attitude to the suggestion made in the third paragraph of my letter to you of February 14, 1994.

Yours sincerely,

(Signed) János Martonyi

**MAGYAR KÖZTÁRSASÁG
KÜLÜGYMINISZTERIUMA**

J-8/EK-13/1994

Note Verbale

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and with reference to the letter of February 8, 1994, of the State Secretary of the Ministry of Foreign Affairs of the Slovak Republic to the Director General for External Political Relations of the European Commission, has the honour to communicate the following.

The Ministry of Foreign Affairs of the Republic of Hungary agrees with the view, expressed on behalf of the EC Experts by Professor Schreiner, that the letter of February 8, 1994 is a "political response aimed at delaying the necessary discharge into the Old Danube". It is clear from the EC Experts report that the increased discharge regime was "the main factor" in their recommendation. It was on that basis, and in view of the urgent necessity for an increased discharge with the onset of the vegetation season, that the EC Experts' recommendation was accepted by the Government of Hungary. It is equally clear that the "proposal" attached to Mr. Jan Lisuch's letter referred to above is a rejection of that recommendation.

In this connection the Ministry of Foreign Affairs wishes to point out once more that under Article 4 of the Special Agreement of April 7, 1993, the Parties agreed that they would establish and implement a temporary water management regime for the Danube. This was not an agreement to hold endless discussions but to establish and give effect to a timely and appropriate regime for protection of the affected environment in the period before the case can be heard by the International Court of Justice. The issue of monitoring, to which the Slovak Republic's letter refers, is important but entirely separate from the issue of water management.

***Embassy of the Slovak Republic
B u d a p e s t***

The Ministry of Foreign Affairs wishes to emphasize that the Government of Hungary cannot accept as satisfying the requirements of Article 4 of the Special Agreement a temporary water management regime that does not involve a substantial guaranteed increase in water to the Danube. The Government is ready forthwith to enter into direct discussions with the Slovak Government on the implementation of such a regime. It calls on the Government of the Slovak Republic to enter into immediate discussions for this purpose, having regard to the fact that the new vegetation season is imminent. The Ministry of Foreign Affairs would be grateful for a response to this Note at the Embassy's earliest convenience.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Slovak Republic the assurances of its highest consideration.

Budapest, March 28, 1994.



Annex 145

PUBLIC STATEMENTS AND INTERNAL DOCUMENTS

HUNGARIAN PUBLIC STATEMENTS

PARLIAMENTARY RESOLUTION, 7 OCTOBER 1988

[The Parliament of the Hungarian People's Republic]

RECORD of the HOUSE

30th Meeting

7 October 1988

pages 2462-2464

[the Speaker of the House speaking]

Honoured Parliament!

The debate about the report on the Gabčíkovo-Nagymaros Barrage System investment shall be concluded with a resolution. I wish to introduce basically two resolution proposals, but I must ask for your patience since they are quite long.

Firstly Parliament acknowledges the report of the Council of Ministers including the verbal supplement on the condition that the implementation of the tasks and conditions concerning environment protection, water purification and regional-development; encompassed in eight points as recently modified, must be unconditionally ensured and the installation's environment-friendly operational mode must be applied. The truth is, that in order to achieve this, the eight points given by Comrade Minister Maróthy, shall be reviewed very briefly.

1. The barrage system must be constructed as it stands in the initial concept, including the Nagymaros Barrage; namely, to enable peak capacity operation. Without full implementation of the Project the technical-economic and development goals forming the basis of the decision on the investment cannot be attained. The modification of the concept would cause considerable damage.

2. The ecological risks have to be reduced to a minimum. For this reason, both in the course of the investment and the operation, ecological interests shall have priority over the economic ones.

3. As a guiding principle of operation it must be declared that the quality of the Danube River must not deteriorate. Peak-capacity operation should be commenced only after establishing the water treatment plants required on both sides of the river for safe operation of the system, free of environmental risks. It is reasonable to determine the environmental preconditions needed for the operation in an intergovernmental agreement to be concluded with the Czechoslovak Party. As to this, Comrade Maróthy gave some explanatory notes, which shall also be taken into account.

4. The environment impact monitoring system shall be developed and operated in such a way as to have at our disposal regular information on changes in every essential element of the environment.

5. The main directions and tasks of regional development on the impact area of Gabčíkovo Nagymaros Barrage System shall be worked out. This shall cover the fields of industry, agriculture, tourism and regional development. Care shall be taken in order to have the economic benefits of the whole Project appear in the national economic plans as soon as possible. Here a remark was made as to the interpretation of the guarantee, which guarantee is a logical corollary of the issue.

6. It is justified to form a public committee for the remaining part of the construction and for monitoring and supervising the operation. The committee shall be nominated and entrusted by the Government. Here Comrade Maróthy noted that if this committee were formed by Parliament, the government would relinquish its intention as to the same. Although, in our second proposal I want to

make a suggestion precisely of concern to this; nevertheless, I propose, that the government's intention to nominate the public committee shall remain among these points. As a matter of fact, a parliamentary or a public committee is not the same, they shall be entrusted with different assignments and functions.

7. It is justified to form a research and development committee which is to assist the Environment and Water Management Minister in co-ordinating research in evaluating research results.

8. The informing of the public on the Gabčíkovo-Nagymaros Barrage must be continued, in order to let our people see its purpose, its way of operation, and social and economic benefits. Hence, those few opening sentences, which were enumerated by me, contain all this. Therefore, whoever votes 'Yes' on this, will accept the introductory lines - namely, that Parliament acknowledges the report of the Council of Ministers, etc. - with these, with taking these [points] into consideration.

- The problem is, that there were a few proposals to suspend or postpone the investment on the barrage, or to perform further research to it, and the like.

These would be excluded, if Parliament reached a positive decision on the issue. Therefore, we can return to these questions only after Parliament reached its decision on the original issue.

Those who favour the suspension and the like, shall express their will by taking a position against this proposal.

The second proposal is directed at the formation of a Parliamentary Committee. However, I will put this to the vote only if the first proposal ends with a positive result.

Honoured Parliament! Is this all right? (Yes.)

Then the passing of a resolution follows. I beg the Honoured Parliament, those who acknowledge the proposal of the Council of Ministers, with supplements and as presented, please stand up. The positive votes must also be counted for the sake of the record.

(This takes place)

Thank you.

Honoured Parliament! Please, those who are against [the proposal], who are in favour of the stoppage, and so on; please stand up.

(This takes place.)

Thank you, please, take your seats.

Those who abstained from voting, please stand up.

(This takes place.)

Honoured Parliament! I am now announcing the resolution concerning the first motion for resolution.

Parliament acknowledges the report of the Council of Ministers on the Gabčíkovo-Nagymaros investment with the given verbal supplement on the condition that, the fulfilment of tasks and conditions concerning environmental protection, water purification and regional development, enumerated and determined in eight points, must be ensured; or in other words, the installation's environment-friendly operational modes must be unconditionally applied.

317 Representatives were in favour of the proposal, while 19 were against and 31 abstained from voting. (Applause.)

Honoured Parliament!

According to the second proposal Parliament considers it necessary to form an 'ad hoc' committee, with the intention of following closely and further supervising the comments and proposals put forward in the report and during the debate.

There shall be four members from each of the Regional Development and Environment Protection Committee, the Construction and Transport Committee, the Planning and Budgetary Committee and also four from the Agricultural and Industrial Committees.

Parliament commissions Dr. Béla Berdár, the President of the Regional Development and Environment Protection Committee, to head the Committee.

The 'ad hoc' Committee, in co-operation with the committee which is to be formed by the government, shall devise its work-schedule, in which it shall determine the further work concerning the Gabcikovo-Nagymaros investment and the supervision of the elaboration and implementation of goals heard and determined during Parliamentary debate. The 'ad hoc' committee must give reports on its work, as necessary, but on a regular basis.

Honoured Parliament! Those who accept this proposal, please, stand up.

(This takes place.)

Thank you. Please sit down. This is a visible majority, therefore, here I find it permissible, to count the 'No' votes and the number abstaining from voting.

Who is against? Nobody.

Who abstained from voting? Nobody.

I am announcing the resolution. The 'ad hoc' Committee on the barrage is hereby formed by a unanimous decision of the Parliament.

Honoured Parliament! Since the debate on this item of the agenda is finished, we shall turn to the next one.

Annex 146

GOVERNMENT RESOLUTION NO. 3004/1989, 6 JANUARY 1989

The Council of Ministers
of the Hungarian Republic
Secret!

Made in 56 copies

Delivered to:

- the members of the Council of Ministers
- permanent participants of sessions of the Council of Ministers
- the secretary of the government committee
- Comrade Péter Havas
- Comrade Géza Kótai

Resolution
No 3004/1989
of the Council of Ministers
on further tasks concerning the construction of
the Gabčíkovo - Nagymaros Barrage System

The Council of Ministers enacts the following resolution on further tasks concerning construction of the Gabčíkovo-Nagymaros Barrage System:

1. The Council of Ministers hereby orders the compulsory application of the Plan of Action encompassed in the appendix of this resolution.
2. By way of implementing the necessary measures it has to be achieved, that the Gabčíkovo Nagymaros Barrage System be completed from the budget envisaged in the approved investment proposal. Proposals to cover possible additional expenditures should be initiated in appropriate procedures, depending on the characteristics of each given expenditure.
3. Expenditures for tasks ensuring the priority of environmental protection standpoints and the earliest possible benefits to the national economy, should be provided for by planning bodies in the yearly and medium term plans, based on decisions adopted by appropriate procedures, and also based on the governmental programme as prescribed by the Plan of Action.
4. The Minister for Environmental Protection and Water Management and the government plenipotentiary is hereby empowered, in connection with the environmental impacts of the barrage system and with its operation in an environmental-friendly manner, to initiate a Hungarian-Czechoslovak Agreement on the environmental aspects and an operational plan based on those aspects, to nominate the members of the Hungarian delegation for the negotiations and to conduct negotiations on the condition that after the completion of the professional negotiation proposal that be submitted to the Council of Ministers for approval.

Budapest, 6 January 1989

Miklós Németh
President of the Council of Ministers

Appendix to the Resolution No 3004/1989

PLAN OF ACTION

based on the briefing accepted on the
Parliaments session held on October 1988
on the construction of the Gabčíkovo-Nagymaros Barrage System

1. The Government should be regularly briefed as to the stage of construction of the barrage system, on the implementation of the planned schedule, on the measures taken and on the decisions reached.

Deadline: according to the joint implementation schedule.

Person in charge:

- The Minister for Environment Protection and Water Management
- The Minister for Industry
- The Minister for Transport
- the Gabčíkovo - Nagymaros Barrage Plenipotentiary

2. In order to minimise the ecological risks, plans on the barrage system and its implementation and operational mode should be modified or extended according to needs, with special regard to the Danube's old riverbed and to the necessity of forming a territorial and flood plain water replenishment system.

Deadline: - continuous

- for the elaboration of the concept on the environmental friendly operational mode:

June 1989

Person in charge: - the Minister for Environment Protection and Water Management

- the Minister for Industry
- the Minister for Transport
- the Gabčíkovo - Nagymaros Barrage Plenipotentiary

3. The basic operational principle is that Danube's water quality cannot deteriorate. Peak-energy production mode may only commence after the establishment of the necessary waste water purification plants on both sides for the operation of the system without environmental risks. The water quality parameters according to the above principle shall be established in such a manner, that the state of the quality of the water of the Danube be better than at present. The sewage water discharges in the watershed area of the joint section of the Danube shall be re-surveyed to this end. The sewage water treatment programmes shall be re-evaluated and presented in a comprehensive way, with deadlines for the execution of these

Based on the insight that the minimisation of ecological risks related to the construction and operation of the project is in the mutual interest of both the Hungarian and Czechoslovak side, and that this can only be achieved by a joint obligation, it is necessary to initiate negotiations with the Czechoslovak side on the identification of the environmental conditions and the ensurement thereof. All this must be included in an intergovernmental treaty. Guiding principles for the negotiation shall be determined in order to prepare successfully for the negotiations and the intergovernmental agreement.

Deadline:

- for the approval of the guiding principles of the negotiations including consultation with the interested ministries and Parliamentary committee: January 1989

- for the preparation of the treaty: June 1989

Person in charge:

The Minister of Environment Protection and Water Management

Minister of Industry

Minister of Foreign Affairs

Gabcikovo - Nagymaros Barrage Plenipotentiary

President of the Council of Győr-Sopron county

President of the Council of Komárom county

President of the Council of Pest county

4. The monitoring system must be further developed and operated in such a manner that information concerning the changes in all determinant components of the environment be available for the operators on a regular basis. For this sake the aspects relevant for the operation mode and the measuring and processing system must be harmonised. Provision for the evaluation of the data, the feedback and the conditions for making the materials public must be made.

Deadline: for the elaboration of the monitoring system

- in the region of Dunakiliti: 31 December 1989

- on the entire impact area: 31 March 1992

- for the operation of the monitoring system: continuous

Person in charge:

- The Minister of Environment Protection and Water Management

- Gabcikovo - Nagymaros Barrage System Plenipotentiary

5. Main trends and the agenda for regional development shall be elaborated on the impact area of the Gabcikovo-Nagymaros Barrage System. This shall include perspectives from industry, agriculture, transportation, tourism and municipality development. It shall be ensured that these perspectives be implemented on the basis of comprehensive environment impact assessments.

Within the framework of the above:

- a government programme shall be developed - with the participation of all affected - on the concept of the comprehensive social and economic development and utilisation of the area affected by the Barrage System.

Deadline:

- for the elaboration of the preliminary principles: June 1989

- for public discussion and adjustment: third quarter of 1989

- for the evolution of the long-term concept and its public discussion: June 1990

- for the submission of the concept : the third quarter of 1990.

Person in charge:

President of the National Planning Office

Minister of Construction and Urban Development

Minister of Commerce

Minister of Transportation

Minister of the Interior

President of the Council of Győr-Sopron County

President of the Council of Komárom County

President of the Council of Pest County

- an agenda shall be prepared for the implementation of the government programme for the period between 1991-1995, which agenda shall include the concrete tasks of government bodies, economic organisations as well as of county and local municipalities, the social benefits thereof with regard to infrastructure, industry, agriculture and tourism, and the sources of development belonging thereto.

Deadline:

- for elaboration: simultaneously with the planning work on the VIII.th Five-Year Plan of the national economy

- for submission: as a part of the government programme the third quarter of 1990

Person in charge: all affected planning bodies

- concepts for land use and standards related thereto shall be revised in accordance with the government programme and the agenda, and the necessary modifications and amendments shall be elaborated for the long-term, and for the period between 1991-1995

Deadline: according to the elaboration of the Government Programme

Person in charge: Minister for Construction and Urban Development

6. A Research and Development Committee shall be established adjoining the Minister for Environment Protection and Water Management, which should help the co-ordination of research and the utilisation of the results of the researches.

Deadline: 31 January 1989

Person in charge: Minister for Environment Protection and Water Management

7. The society shall be informed of the merits of the Gabcikovo-Nagymaros Barrage System, so that our nation shall know the object, operation, social and economic effect of the project.

Deadline: continuous

Person in charge:

The Minister for Environment Protection and Water Management

Minister of Industry

Minister of Transportation

Minister of Agriculture and Food

President of the council of Győr-Sopron county

President of the council of Komárom county

President of the council of Pest county

GOVERNMENT RESOLUTION No 3125/1989, 13 MAY 1989

Council of Ministers of
the People's Republic of Hungary

Secret!

Prepared in 460 copies

Copy no.17

Sent to:

Members of the Council of Ministers

Permanent participants of the
meeting of the CM

T. Iván Berend

Dr. Réka Nyitray

Resolution No. 3125/1989

of the

Council of Ministers

Regarding the Suspension of Work at Nagymaros

Proceeding from the responsibilities undertaken by the President of the Government before Parliament, the Council of Ministers has - on the basis of the proposal of the affected Ministers concerned and taking into consideration the suggestions of the Ad Hoc Committee of the Hungarian Academy of Sciences, the Advisory Body of the Council of Ministers, and the Public Committee to Supervise the Investment examined the possibilities for ordering a referendum regarding the Gabčíkovo-Nagymaros investment. In relation to this, it has examined the consequences of the construction of the Nagymaros project as well as the consequences of the eventual stopping of such construction.

The Council of Ministers has passed the following resolution:

1. The Council of Ministers hereby suspends work at Nagymaros as of this day. It orders the Ministers concerned to commission further studies in order to place the Council of Ministers in a position where it can make well-founded suggestions to the Parliament in connection with the amendment of the international treaty on the investment. In the interests of the above, we must examine the international and legal consequences, the technical considerations, the obligations related to continuous navigation on the Danube and the environmental/ecological and seismic impacts of the eventual stopping of the Nagymaros investment. To be further examined are the opportunities for the replacement of the lost electric energy and the procedures for minimising claims for compensation.

Deadline: for the completion of these investigations: 31 July 1989

Responsible: Minister of Environmental Protection and Water Management,

Minister for Transportation, Telecommunications and Construction,

Minister of Industry

Minister of Justice

2. The Council of Ministers requests Parliament to authorise it to enter into preliminary negotiations with the Czechoslovak Party regarding the amendment of the treaty. It proposes that Parliament authorise the Government not to fulfil its duties as defined in October 1988 with relation to the continuation of the investment.

3. The competent bodies must enter into discussion with Austrian companies and financial institutions regarding the possibilities of redirection to other Hungarian investment, of resources which may be freed as a result of the eventual stopping of the investment

Deadline: 31 July 1989

Responsible: for the co-ordination of the discussions:

the Minister of Environmental Protection and Water Management

4. The proposals to be submitted to Parliament must be prepared in such a manner that Parliament may, on its own authority, arrive at a decision on the basis of these or that it may order a referendum.

Budapest, 13 May 1989

Miklós Németh
President of the Council of Ministers

Annex 148

PARLIAMENTARY RESOLUTION 9/1989 (VI.13.), 2 JUNE 1989

Regarding the Report of the Council of Ministers
on the Suspension of Work in Progress at Nagymaros
on the Gabčíkovo-Nagymaros Barrage System

1. Parliament takes note of the fact that the Council of Ministers

-has suspended the work in progress at Nagymaros on the Gabčíkovo-Nagymaros Barrage System on May 13, 1989

- finds it necessary to conduct further inquiries into the conditions and consequences of investment therein.

Parliament hereby grants an exemption from the obligation to complete the Gabčíkovo-Nagymaros Barrage system prescribed in Point 1 of its decision of October 7, 1988.

2. Parliament calls upon the Council of Ministers to submit in the appropriate manner a report detailing the statements and conclusions of the aforementioned inquiries, as well as the proposals of the Council of Ministers concerning possible amendments of the treaty, including the potential international, legal, economic and technical consequences thereof.

3. Parliament does hereby authorise the Council of Ministers to conduct preliminary negotiations with the Czechoslovak party regarding the conditions for the amendment of the interstate treaty and the possible consequences thereof, if inquiries conducted during the period of suspension make it necessary.

Annex 149

GOVERNMENT RESOLUTION No 3205/1989, 20 JULY 1989

COUNCIL OF MINISTERS RESOLUTION

3205/1989

ON CERTAIN QUESTIONS CONCERNING

THE GABCIKOVO-NAGYMAROS INVESTMENT

The Council of Ministers took note of the report on the Hungarian - Czechoslovak prime ministers' meeting held on 20 July 1989, and of the delivery to the Czechoslovak side of proposals described in the appendix. The Council of Ministers has adopted the following resolution:

- 1) The suspension of works at Nagymaros mentioned in section 1 of the Council of Minister's Resolution 3185/1989 will be extended to 31 October 1989.
- 2) Preparatory works on the closure of the riverbed at the Dunakiliti must be suspended until 31 October 1989.
- 3) It is the duty of the Minister for Environmental Protection and Water Management to take the necessary steps to implement the decisions encompassed in sections 1 and 2.
- 4) The technical and economic consequences which would follow from the possible suspension of the activity of Austrian suppliers which should be determined. A proposal should be made concerning the way in which these cases should be handled.

Person in charge: the Minister for Environment Protection and Water Management

the Government Plenipotentiary

the Minister of Commerce

the Minister for Finance, and

the Minister of Justice, with the participation of

the President of the Hungarian

National Bank

Deadline: 10 August 1989

- 5) A schedule should be prepared for the implementation of tasks established at the Prime Ministers' meeting.

Person in charge: the Government Plenipotentiary

deadline 31 July 1989

Budapest, 20 July 1989

Deputy President of the
Council of Ministers
Dr. Peter Medgyessy

Initial standpoint on both proposals:
The closure of the Danube's riverbed should not
take place in October 1989

First proposal:

The suspension of works on the closure of the Danube's riverbed and of works related to damming on the barrages in Hungary, in Czechoslovakia and at Nagymaros for a period of 3-5 years.

To jointly call upon international scientific institutions, foreign scientific institutes and experts, with the contribution of whom the Hungarian and Czechoslovak institutes and experts co-operate in the

a/ assessment of the ecologically optimal operational model of Gabčíkovo-Nagymaros Barrage System and

b/ development and implementation of a technical and operational water quality guarantee system

In the light of these there are variants for decision in 3-5 years:

1. The continuation of the construction of the Gabčíkovo-Nagymaros Barrage System with ecological guarantees
2. The complete abandonment of the Gabčíkovo-Nagymaros Barrage System's construction,
3. Abandonment of the Nagymaros Barrage, accompanying the elaboration of an ecologically neutral operational mode for the barrage be started.

Second proposal:

The suspension of the closure of Danube's riverbed for 1 year. The postponement of commencement of operations at Gabčíkovo-Nagymaros Barrage System for a period of 1 year. (The slowing down of works in Hungary and Czechoslovakia. The commencement of the construction of the Nagymaros barrage to be also postponed for 1 year).

To jointly call upon international scientific institutions, foreign scientific institutes and experts, with the contribution of whom the Hungarian and Czechoslovak institutes and experts co-operate in the

a/ development of a technical and operational water quality guarantee system and elaboration of a plan for its implementation

b/ operation of the Gabčíkovo-Nagymaros barrage System in continuous mode or limited peak load for a few (3-5) years. Scientific observation and analysis.

Amendment of the interstate Treaty reflecting the content of points a/ and b/

Annex 150

GOVERNMENT RESOLUTION

3305/1989

OF THE COUNCIL OF MINISTERS

ON THE MEASURES TO BE TAKEN ON THE BASIS OF EXPLORATORY RESEARCH ON THE DOMESTIC AND INTERNATIONAL, LEGAL, ECONOMIC, ECOLOGICAL AND TECHNICAL CONSEQUENCES WHICH WAS PERFORMED DURING THE SUSPENSION OF WORKS AT NAGYMAROS

1. The Council of Ministers confirming its preliminary standpoint encompassed in resolution number 3265/1989 of 22 September,

a, States, that Hungary and Czechoslovakia would fall into an ecological state of emergency in the event of a commencement in the operation of the water-barrage according to the original plans, and therefore, it finds it necessary to eliminate the peak-operation mode of the barrage, and therefore the abandonment of construction of the Nagymaros Barrage.

The Hungarian Party finds it necessary to repeal the section of the Protocol, signed in February 1989, on the acceleration of construction works at the water-barrage related to Nagymaros .

b, It finds it necessary to conclude an agreement to minimise the environmental risks inherent in the basic-operation mode of the Dunakiliti-Hrusovo reservoir and of the Gabčíkovo waterpower plant; and to establish a comprehensive water-quality protection, technical-operational and ecological system of guarantees related to the Dunakiliti-Hrusovo reservoir, to the Dunakiliti weir, to the Gabčíkovo waterpower plant, to the power-canal and to the Danube river section extending to Nagymaros.

The condition for filling the Dunakiliti-Hrusovo reservoir is the conclusion of the inter-governmental agreement. In the event that a Czechoslovak statement of willingness to conclude the inter-government agreement is given, the preparatory works on the relocation of the riverbed of the reservoir could be continued;

c, It finds it necessary, on the basis of what was encompassed in points a/ and b/, to amend "The Treaty on the Implementation and Operation of the Gabčíkovo-Nagymaros Barrage System Concluded on the 16th Day of September 1977 Between the Hungarian People's Republic and the Czechoslovak Socialist Republic" and the agreements supplementing the Treaty.

It proposes that Parliament authorise the Council of Ministers to propose to the Czechoslovak Contracting Party the amendment of the Interstate Treaty.

2. If Parliament gives authority to the Council of Ministers to initiate the amendment of the Interstate Treaty, the following measures shall be taken:

a, The Council of Ministers instructs the Minister for the Protection of the Environment and Water Management in co-operation with the interested Ministers to devise the work-plan of all the necessary measures which have a connection with the amendment of the Interstate Treaty and agreements connected to the Treaty, as well as the plans and investment;

Person in charge: - the Minister for the Protection of the Environment and Water Management

- the Minister of Justice

- the Minister of Commerce

- the Foreign Minister

- the Minister for Industry

- the Minister of Finance

- the Head of the National Planning Office
- the Minister of Transport, Communication and Public Construction
- the President of the National Bank of Hungary

Dead-line: 7 November 1989

The detailed textual modification of the Interstate Treaty and of the connected agreements shall be prepared in accordance with the task plan approved by the Council of Ministers.

- Person in charge:
- the Minister of Justice
 - the Foreign Minister
 - the Minister for the Protection of the Environment and Water Management
 - the Minister of Transport, Communication and Public Construction
 - the Minister of Commerce

Dead-line: 15 November 1989

The Treaty-amendment proposal approved by the Council of Ministers, shall be handed over to the Czechoslovak Party in a procedure as defined in the Treaty.

- Person in charge: - the Government Commissioner of the Gabčíkovo-Nagymaros Barrage System

Deadline: 15-20 November 1989

b, The Council of Ministers instructs the Minister for the Protection of the Environment and Water Management in co-operation with the interested ministers to take the following measures in connection with the dissolution of agreements related to the construction of the Nagymaros Water-barrage:

- The termination of foreign trade-related private law contracts connected to the construction of the Nagymaros Barrage shall be prepared, taking into account the financial consequences.

- Person in charge:
- the Minister for the Protection of the Environment and Water Management
 - the Minister for Commerce
 - the Minister for Industry
 - the Minister for Finance
 - the President of the National Bank of Hungary

- Dead-line:
- for the preparation of termination of contracts 7 November 1989,
 - for the termination of contracts 15 November 1989.

Other contracts related to the Nagymaros Barrage shall be supervised, and the contracts shall be terminated apart from the ones on the works on flood protection, on indispensable transportation and directly ones for providing the living conditions of the region.

- Person in charge: - Minister for the Protection of the Environment and Water Management

Dead-line: immediately, depending on the conditions of the contracts

The flood protection defence plan of the region of Dunakiliti shall be elaborated, and it shall immediately be reconciled with the competent Czechoslovak water management organisations.

- Person in charge: - Minister for the Protection of the Environment and Water Management

Dead-line: immediately

The investment proposal for the Gabčíkovo Nagymaros Barrage System shall be reframed in accordance with the proposed modification of the Interstate Treaty, and the modified investment proposal shall be submitted in the order of procedures for state investments.

Person in charge: - Minister for the Protection of the Environment and Water Management

A new comprehensive regional development concept and arrangement plan shall be elaborated - with the participation of the local and regional councils - for the section of the Danube between the state border and Nagymaros, in order to establish the balanced development of the Danube and the region.

The infrastructural developments planned and already being implemented, not directly related to the project at Nagymaros shall be fully executed without increasing the burdens of the inhabitants.

Person in charge: - Minister of the Interior

- Minister for the Protection of the Environment and Water Management

- Minister of Transportation, Communication Housing and Public Construction

- Minister of Industry

- Minister of Agriculture and Alimentation

- President of the National Planning Office

- Minister of Finance

Dead-line: continuous

3. The Council of Ministers hereby extends the mandate of Dr Udvari László, Under-Secretary of State for Transportation, Communication, Housing and Public Construction, appointed by Resolution 1071/1989 (VI.15) of the Council of Ministers, as Government Commissioner - with the same scope of activity -, in accordance with the regulation on tasks and duties embodied in the said resolution. This mandate shall be valid until its withdrawal.

The provisions in Articles 6-10 of the Resolution of the Council of Ministers 1071/1989 (VI.15) and the annex thereto shall cease to have effect after their implementation.

The temporary committee formed under resolution 3265/1989 of the Council of Ministers on the organisation and direction of the tasks related to the modification of the treaty concluded between the Hungarian People's Republic and the Czechoslovak Socialist Federal Republic on the construction and operation of the Gabčíkovo Nagymaros Barrage System shall continue to operate. The committee shall execute its co-ordinating work in co-operation with the ministers and leaders of bodies of national authority without taking over their tasks and authority.

The committee is a working committee comprising of the Deputy Ministers (Deputy Presidents) and Under-Secretaries of State of the Ministry for the Protection of the Environment and Water Management, Ministry of Justice, Ministry for Foreign Affairs, Ministry of Industry, Ministry of Transportation, Communication, Housing and Public Construction, Ministry of Finance, National Planning Office and the Hungarian National Bank.

The Council of Ministers calls upon the President of the Hungarian Academy of Sciences to delegate his representatives for the committee.

The activities of the committee shall be directed by the Government Commissioner of the Gabčíkovo-Nagymaros Barrage System. The activities of the committee shall be supervised by the Deputy President of the Council of Ministers.

4. With this present resolution, resolution 3265/1989 of the Council of Ministers shall cease to have effect.

5. Point 2/a.-b. of this present resolution shall enter into force upon Parliament giving authorisation for the initiation of the modification of the Interstate Treaty.

Budapest, 27 October 1989

Németh Miklós
President of the Council of Ministers

Annex 151

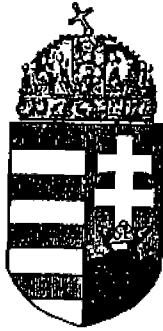
PARLIAMENTARY RESOLUTION 24/1989 (XI.10.), 31 OCTOBER 1989

on the Report of the Council of Ministers
Regarding the Inquiries Conducted
During the Suspension of Work at Nagymaros to
Uncover International Legal, Economic,
Ecological, and Technical Consequences Thereof

1. Parliament takes note of the results outlined in the report of the Council of Ministers on the inquiries conducted during the suspension of work at Nagymaros to uncover international legal, economic, ecological, and technical consequences and the inferences drawn therefrom, as contained in the Prime Minister's exposé.
2. Parliament approves that the activity of the Government continue to be guided by the priority of the ecological approaches, scientific soundness, and representation of the national interest. It should endeavour at the prevention and repair of environmental damage.
3. Parliament entitles the Council of Ministers to initiate negotiations with the Czechoslovak party regarding the amendment of the "Treaty Concluded Between the Hungarian People's Republic and the Czechoslovak Socialist Republic Regarding the Completion and Operation of the Gabčíkovo Nagymaros Barrage System, Signed on 16 September, 1977".

Parliament directs the Council of Ministers to take the measures made necessary by the initiation of the said negotiations.

4. Parliament takes note and approves of the fact that the Council of Ministers, in the interest of the balanced development of the Danube and the region and with the participation of the local and territorial councils, prepares a new, complex regional development conception and land use plan for the area extending along the Danube section from the state border to Nagymaros. Parliament finds it necessary that infrastructural developments, both planned and in progress, not directly connected with the Nagymaros installation should be fully completed without increasing the proportion of the costs borne by the population.



Hungary's National Renewal Program

The first three years (1990 — 1992)
of the Republic

Budapest, September 1990.

Protection of waters: In the areas that belong to the government's sphere of authority, it will take steps to stop the deterioration of the Danube, the Tisza, and other surfacewaters. By continuing the comprehensive quality-regulations of earlier years, we will improve the quality of Lake Balaton's water. We plan to revise the conception of water-protection. To alleviate the damage that the Transdanubian karstic and thermal-karstic systems have suffered, we will restrict the "use" of karstic waters and gradually put an end to the harmful effect of water-lifting due to mining. We will concentrate state efforts on expanding the capacity of the sewage-system and sewage cleaning in order to reduce the expenses to inhabitants for the public services in any given community. To protect the quality of water in the existing water-works, we will continue the effort to put an end to those activities which endanger the water supply of these works. We will also employ the means of financial policy (tax-reduction, advantageous credits, charge for the use of water, contributions, etc.) in the field of water-protection.

Protection of nature: In accordance with the spirit of the new law, we will prevent the further deterioration of the protected natural areas and their wealth; 7% of the country's area is of this nature. We will declare protected those areas of natural wealth that are not yet under protection. In the district of Lake Fertő we are developing, together with Austria, a joint National Park this year. A National Park is to be formed in the Balaton highlands and in other areas of the country) Órség, Békés county, etc.). Areas that formerly belonged to the military forces and the frontier zone, and that are rich in natural wealth, shall now be protected and placed in the possession of the organizations of environmental protection. (National Park of Kiskunság and Hortobágy, Bakony district, etc.). In 1991 we plan to create and enforce a provision of law that, in the interest of protecting the capacity of areas, or, if needed, restoring it, will try to safeguard the ecological, economic, and aesthetic potential of natural areas that are not as yet protected. We consider it very important that the damaged protected natural areas, regions, and territories are restored (marsh lands, grass, surface mines, forests, etc.). We will take care that the protected areas are placed under the authority of environmental protection agencies, with special regard to the exceptionally protected

areas and to areas under the purview of international agreements. By putting an end to the ruthless exploitation of forests, we will be able to protect the forests properly. We will create a system of monitoring and information between environmental protection and forestry. The environmental supervision of the production of mineral resources will be introduced. In the protected areas, we will promote methods of management that harmonize with nature and will develop the general operating system of nature-friendly management (especially in the spheres of fields, forests, and rushes.).

We will improve the financial and organisational conditions of nature and land protection, and increase its sphere of authority. We plan to promote the extension of tasks deriving from the international obligations of nature protection (trade in living wild animals, protecting the rest places of migrating species, biosphere reservations, etc.).

We will submit to the Parliament an up-to-date law about the protection of animals, making use of the experiences of similar European laws and their application.

We will pay special attention to those endangered plant and animal species that are on the brink of extinction, and protect their territories and sources, as well as our geological wealth. Havaria: Finally, we must take into account the discovery of hidden, serious environmental pollution, developed over a long period, and also those grave pollutions that appear suddenly (eg. the discharge of dangerous substances). The organisational and technical conditions of avoiding an environmental emergency will be taken care of by the government.

2. The Problem of the Power Plant on the Danube

2.1. Our Objectives

The plan of the Danube hydroelectric power plant is a symbol of the executive power's insensitive measures, lacking all modern, technical-economical considerations. The solution of a given situation can also be symbolic. We wish to solve the open international questions and the reconstructions that reveal new possibilities with a double approach. Starting from the outer circle, on the basis of cooperation with the environmental protection institutions of the European Community and the United Nations, in the framework of a new Danube agreement, we wish to compensate for the damage this faulty investment has caused, and to strengthen the symbolic binding role of the Danube. Starting from the inner circle, cooperating with the new local governments and the environmental protection movements, embracing their initiatives and establishing them scientifically, we would like to develop the Danube region with special regard to ecology, sports, and recreation. This will be possible by avoiding an ecological emergency through the restoration of the natural environment. After due preparations, we wish to discuss once again the Czechoslovak-Hungarian international agreement. We shall do all we can in order to prevent the contradictions, arising from the investment plans, from becoming a clash of interests between the two nations. The same refers to the obligations arising from the country's civil law contracts. Our aim is to get as much international, moral, and financial aid as possible for the restoration of the Danube region to its original state, as this is of international interest. This, too, can promote the basic aim, which is that as a final result, the question of the hydroelectric power plant

should not burden our bilateral relationships, but rather liberate new forces for cooperation.

The government wishes to emphasize the creation of a Hungarian–Austrian–Czechoslovak national park, binding the regions and obtaining healthy drinking-water from this reach of the Danube, rather than the forced energy utilization of the river. It wishes to ensure the international navigability of the Danube with as little interference to the natural environment as possible. The government pursues aims reflecting a new, global way of thinking, an ecological attitude, and it wishes to cooperate with the Czech and Slovak Republic in the correction of our joint ecological error; there should be no damming at Dunakiliti; a joint Austrian–Czechoslovak–Hungarian nature park should be created in the Vienna–Bratislava–Győr triangle for the EXPO'96; it considers the protection of sub-surface water supplies in Csallóköz and Szigetköz and possibilities for water withdrawal by filtration at riverbanks of primary importance in order to supply a large region with drinking water, and it endeavours to develop the region between Rajka and Budapest in a harmonious and humane way, with special attention to local interests represented by the local governments: drinking-water supply, tourism, reducing damage to the environment, etc.; restoring the Danube Bend with special regard to the natural, historical, and cultural wealth and the aspects of recreation, tourism, and transport by water; protecting the typical gallery forests and, if possible, replanting them; and it wishes to exclude the dividing aspect of frontiers, helping the natural relationships between the people living on the two sides of the Danube by means of foreign affairs and regional development.

2.2. The Situation at this Moment

After its decision to stop building the power plant, the former government's actions were inconsistent. For example: the president of the Hungarian National Bank was authorized to increase the refinancing credit limit of the ÁFI

by 2 million forints, in order to ensure the continuity of the work done on Czechoslovakian territory, according to contract. The former government made initiative measures towards the Czechoslovakian government, but none were brought here at home. Concerning Bős, it made the damming and the diversion of the Danube at Dunakiliti, essential for starting the power plant, dependent upon conditions that were difficult to define.

After the Government came into office it appointed a new commissioner, whose secretariat belongs to the organisation of the Prime Ministerial Office. The Committee for the Revelation of Facts prepared a program for the Government and continues its activity.

The statement of costs of the investment program, modified in 1986 (and criticized at the time), with a predicted increase of costs of about 3–5%, is 54 billion forints. Up to the end of last year, the investment costs, the general purchase tax (áfa), and the refinancing credit interests were 29,6 billion forints. The gross statement of costs for this year is 6,9 billion forints and the received contract stock is 2,2 billion forints, of which 1 billion was paid up to the end of June.

At present, Donaukraftwerke AG claims almost 3 billion ATS because the hydroelectric power plant at Nagymaros will not be built. The Hungarian party would rather come to an agreement out of court. We aim for open and correct settlement of accounts.

After a long period, leading civil servants of the new government of the Hungarian, Czech and Slovak Republics sat down once again to have talks and to inform one another of their points of view. The federal and the Hungarian Government are both of the opinion that the complex question of the hydroelectric power plant at Bős is not a Slovak-Hungarian affair but a European one. The difference of opinion is not as significant in general ecological basic principles and priorities to be made in the region, as it is in the evaluation of what is to become of the existing group of sites at Bős. A solution that pleases both parties can be found if joint research is done to reveal the damage, dangers, and risks.

2.3. Main Tasks and Methods of Solution

In accordance with the Czech and Slovak Republics, we plan to prepare for the long-term flood prevention and control of the reach of the Danube above Budapest. By putting an end to the temporary river bed at Nagymaros, and the filling of the work pit, reconstruction can be concluded: by ensuring a narrowed but navigable route, developing riverbanks suitable for water sports, and the lifting of riverside filtrated drinking water.

Public service investments, formerly linked to the hydroelectric power plant system, now modified according to the new settlement-developmental, environmental, and water affairs standpoint, are gradually being realized. According to our plans, the first stage of the realization of the international environmental protection park will start by putting an end to the rough technical, agricultural, and sylvicultural interference (ruining the soil, chemicals) and by ending the industrial pressure on the environment in the most endangered regions.

Together with the Czech and Slovak Republics, a complex regional development conception and regional construction plan should be made, the first stage of which should contain the development of transport relations between twin communities (Szalka-Letkés, Párkány-Esztergom etc.), coordinated sewage control, and technical and environmental protection measures to reduce industrial and nuclear pollution and risks.

An ecological emergency can only be avoided if the Dunakiliti-Körtvélyes cistern is not filled with water.

GOVERNMENT RESOLUTION 3507/1990, 20 DECEMBER 1990

The Government of the Republic of Hungary
Government resolution number 3507/1990
regarding the questions of the Gabčíkovo Nagymaros Barrage.

1. The Government acknowledges the reports by both the president of the Fact Finding Committee and the Government Plenipotentiary of the Danube Barrage and considers the activity of the Gabčíkovo Nagymaros Fact Finding Committee to be finished.
2. In keeping with its programme, the Government considers the decision to construct the Gabčíkovo-Nagymaros Barrage System and the 1977 Treaty concluded for that purpose as ill-founded because they neglected to consider ecological consequences. Thus the Government supports and reaffirms the contents of the earlier decisions of the Government on the suspension of construction work.
3. The responsible ministers and the Governmental Plenipotentiary should start negotiations with the Government of the Czechoslovak Federal Republic on the termination of the 1977 Treaty by mutual consent and on the conclusion of a treaty addressing the consequences of the termination.

Responsible: Dr. Ferenc Mádl, Minister Without Portfolio

Foreign Minister

The Plenipotentiary of the Danube Barrage

4. The Plenipotentiary of the Danube Barrage with the participation of the authorised ministers should examine the impact
 - a) of the procedure for the complete abandonment of the barrage system,
 - b) of the compromise alternative solutions proposed by the Czech and Slovak Federal Authority for the ecological, economic and other consequences.

Responsible: The Government Plenipotentiary of the Danube Barrage

Deadline: 30 June 1991

5. An informative announcement should be prepared for the Government of short term measures in regard to the Danube Barrage with special emphasis on questions regarding safety and finance.

Responsible: The Government Plenipotentiary of the Danube Barrage

Deadline: 31 January 1991

6. A summary report should be prepared for the purpose of informing the Government of points 4 and 5.

Responsible: the Government Plenipotentiary of the Danube Barrage

Deadline: 31 July 1991.

7. The Government believes it is necessary
 - a) to establish an intergovernmental mixed committee to deal with the barrage,

Responsible: The Foreign Minister

The Minister of Environment Protection and Land Development

b) to organise an international specialist committee for promoting negotiations between Plenipotentiaries.

Responsible: the Government Plenipotentiary of the Danube Barrage

8. The Government requests that the presidents of the State Auditing Office, the Hungarian National Bank and the Central Statistics Office provide a financial overview of the entire investment.

9. The Government proposes that the Environmental Committee of the Parliament continue to observe governmental activity.

Responsible: The Government Plenipotentiary of the Danube Barrage

Budapest, 20 December 1990

Dr. József Antall
Prime Minister

PARLIAMENTARY RESOLUTION 26/1991 (IV.23.), 16 APRIL 1991

Regarding the Government's Responsibility

In Connection With the Gabčíkovo-Nagymaros Barrage System

1. Recognising the fact that the start of the operation of the barrage system or any principal works would result in serious ecological and economic damage throughout the affected region, the Parliament asks the Government:

- to conduct negotiations with the Government of the Czech and Slovak Federal Republic regarding the determination by joint agreement of the Treaty concluded on 16 September, 1977 regarding the Completion and Operation of the Gabčíkovo-Nagymaros Barrage System and any and all such agreements which the State Parties to the treaty and/or their authorised bodies have concluded for the purpose of the execution of the aforementioned Treaty;

- at the same time to initiate the conclusion of a new interstate treaty to settle the issue of the consequences of the abandonment of the barrage system and associated main projects, according to the following priorities, in the order listed:

a) the restoration and preservation of the region's ecological and natural values and, most importantly, the protection of the drinking water reserves;

b) flood defence ;

c) development of shipping in accordance with the region's natural conditions;

- to draft a plan for the rehabilitation of the Hungarian territories affected by the aforementioned Treaty, taking into consideration the applicable Parliamentary instructions.

2. Parliament finds necessary the continued suspension of the works aimed at the completion of the barrage system and hereby approves any actions taken by the Government to this end.

Parliament requests the Government, to endeavour to seek an agreement in the aforementioned negotiations, in accordance with the earlier Hungarian proposals, on the suspension of works on the territory of the Czech and Slovak Federal Republic.

3. Parliament requests the Government, to discontinue state investment in the Gabčíkovo Nagymaros barrage system and instructs the State Auditing Office to begin a full financial review of works already completed.

4. The Government shall report monthly to the Environment Protection Committee of the Parliament on the execution of the provisions contained herein.

This present decision shall take effect on the day of its acceptance.

György Szabad
Speaker of the Parliament

Dr. József Horváth
Clerk of the Parliament

Zoltán Trombitás
Clerk of the Parliament

Annex 155

GOVERNMENT RESOLUTION 2009/1991, 25 OCTOBER 1991

Resolution No. 2009/1991 (HT 9) of the Government
 Regarding the Duties of the Government
 Related to the Immediate Halt to State Investment in the
 Gabčíkovo-Nagymaros Barrage System
 in the interest of executing
 Resolution No. 26/1991 (IV.23.) of the Parliament

1. In the interest of putting an immediate halt to State investment, the Government orders the following:

1.1 On the basis of the budget memorandum for construction and investment, approved in 1987 for State investment, and in harmony with the state of technical readiness, the financial costs of the operating and investment item not yet finished must be worked out and shown.

Closing Deadline: 31 December 1991

Responsible: Danube Barrage Plenipotentiary Finance Minister (Managing Director of the State Development Institute)

Deadline: 31 December 1991

1.2 The hydraulic construction or other projects which are finished, operable or inoperable on the basis of their present technical condition, but may be classified as necessary developments even without the barrage must have their operational rights handed over to the designated or requested operator while at the same time extracting such items from the inventory of unfinished projects.

The duties related to the maintenance, operations, and preservation costs pertaining to the closing of investments in 1992 must be planned out. Following the handing over of operators rights, the operators are to plan and submit such costs.

Responsible: as regards the projects which may be handed over, for suggestions as to operators and for planning of costs during 1992:

the Danube Barrage Plenipotentiary.

Deadline: 31 December 1991

Responsible: on basis of the acceptance of operators rights, for the nomination of operators and the planning of further costs:

the Minister of Transportation, Communication, and Water Management

the Minister of Environmental protection and Territorial Development

the Minister of the Interior

for the submission of a budget relating to necessary costs:

the Minister of Finance

Deadline: continuous

1.9 During 1992, the development plans for a reservoir without a barrage on the section of the Danube extending from the Rajka to Nagymaros, the designs for those developments to be completed unchanged and the general regulatory plans which relate to the barrage system, must be reviewed and reworked as per the new morphological characteristics, taking into account Resolutions No. 28/1991 (IV. 30.) of the

Parliament and 3129/1991 of the Government. The costs of such studies must be determined and submitted to the 1992 state budget.

Responsible: Danube Barrage Plenipotentiary

the Minister of Transportation, Communication, and Water Management

the Minister of Environmental protection and Territorial Development

the Minister of the Interior

the Minister of Finance

Deadline: 31 October 1991

for planning of the 1992 budget request

2. The Government approves, for the period following the closing of investment (1991), the work programme for 1991 for tasks directly related to the abandonment of investments, a sum of 700 million Forints under the title of budget for the Danube Barrage.

Responsible: Minister of Finance

Danube Barrage Plenipotentiary

Deadline: 31 October 1991.

3. The Government orders a review of regulations which are in conflict with the halt to investment and the preparation of a submission calling for their being placed out of effect.

Responsible: Danube Barrage Plenipotentiary

Minister of Justice

Deadline: 31 October 1991

4. The dissolution of the construction moratorium in the affected region and the review of water rights permits according to the situation which would be valid if the barrage had not been undertaken.

Responsible: Minister of Environmental Protection and Territorial Development

Minister of Transportation, Media and Water Management

Danube Barrage Plenipotentiary

Deadline: Continuous

5. The Government orders the examination of the international and other legal connections between Law-Decree No. 17 of 1978, declaring the Interstate Treaty signed in 1977, and the immediate and total halt to investment, which examination should also extend to the clarification of the rights of ownership of items which are in the joint ownership of the two nations.

Responsible: Minister of Justice

Minister of Foreign Affairs

Minister Without Portfolio, Dr. Ferenc Mádl

Danube Barrage Plenipotentiary

Deadline: 31 October 1991

6. The planning work shall be oriented such that the calculations serving as the basis for the 1992 budgetary guidelines will place the total costs of the steps contained in Points 1.2, 1.3, 1.4, 1.6, 1.7, 1.8 and 1.9 within the sum of 495 million Forints, as provided by the Ministry.

Responsible: Danube Barrage Plenipotentiary

Dr. József Antall
Prime Minister

Annex 156

PARLIAMENTARY RESOLUTION 12/1992 (IV. 4.), 24 MARCH 1992

Regarding the Treaty Concluded in 1977
Between the Hungarian People's Republic
And the Czechoslovak Socialist Republic
Concerning the Construction and Operation
of the Gabčíkovo-Nagymaros Barrage System

Recognising the fact that the continued construction or the commencement of the operation of the Gabčíkovo-Nagymaros barrage system or any of the major installations would result in serious ecological and economic consequences;

taking into consideration the fact that the Government of the Czech and Slovak Federal Republic have accepted a resolution on the unilateral completion and commencement of operation of the Gabčíkovo barrage system and that this implies the unilateral diversion of the Danube in direct violation of the relevant international treaties and a change to the character of the state border and that by these, the Government of the Czech and Slovak Federal Republic have made questionable the effect of the Treaty concluded on 17 September, 1977 regarding the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System;

taking into consideration that as a result of the above, the Government of the Hungarian Republic has been placed in the situation which compels the termination of the 1977 Interstate Treaty;

supporting the ambition that on behalf of the good neighbourly co-operation of the two countries, considering the trilateral professional-scientific inquiries organised with the inclusion of international experts in the meeting of governmental delegations on 2 December 1991 in order to reach a joint agreement in the interstate dispute.

Parliament passes the following resolution:

1. Parliament takes notice of the fact that the Prime Minister, in his letter to the President of the Government of the Czech and Slovak Federal Republic, drafting the ecological, international legal, and other important reasoning for compelling the situation of termination, once again called for the immediate stopping of all work in contravention of the 1977 Interstate Treaty, and the commencement of trilateral professional inquiries, that by taking into consideration the recommendations offered as a result of the said inquiries, the two Governments may arrive at a responsible joint resolution of this interstate dispute, declaring that in the absence of fulfilling the above, the Government will terminate the 1977 Interstate Treaty.
2. Takes notice of the fact that the Government, presenting the Hungarian standpoint, contemporaneously requests the heads of the Governments of the Member States of the Conference on Security and Co-operation in Europe and of the international organisations (United Nations, European Community, Council of Europe, Danube Commission) to support the understanding and acceptance of the Hungarian position with the Government of the Czech and Slovak Federal Republic.
3. Authorises the Government to terminate the 1977 Interstate Treaty and all agreements concluded between the Parties or their bodies in the interest of executing the Interstate Treaty, if the Government of the Czech and Slovak Federal Republic does not stop the works in contradiction with the 1977 Interstate Treaty before 30 April 1992, whereas continuing these works prevents the commencement of joint inspections and makes questionable the significance of those.
4. When it comes to the termination of the 1977 Interstate Treaty, the Hungarian Party is required to simultaneously communicate to the Government of the Czech and Slovak Federal Republic the Hungarian intention to cooperate in the elimination of the consequences of the termination and complying with all of the international treaties defining the borders between the two states, to conclude a

new interstate treaty according to the following priorities, in the order presented:

a) the restoration and maintenance of the region's ecological and natural values, and primarily the preservation of the drinking water resource;

b) flood defence;

c) establishment of navigation integrated with the region's natural conditions.

5. The Government should report to Parliament on the execution of the responsibilities set forth herein within 30 days following the acceptance of the Parliamentary resolution.

6. This resolution takes effect from the day of the acceptance.

Annex 157

GOVERNMENT RESOLUTION 3190/1992, 7 MAY 1992

The Government of the Republic of Hungary

Prepared: in 55 copies

Receivers: The members of the Government and
the permanent guest of the Government sessions.

The Government resolution 3190/1992
regarding the termination of the Interstate Treaty
signed on 16 September 1977 in Budapest by the People's Republic of Hungary
and the Czechoslovak Socialist Republic with regard to the completion and
operation of the Gabčíkovo-Nagymaros Barrage.

1. The Government of the Republic of Hungary, on the basis of an authorisation in point 3 of the Parliamentary resolution 12/1992 (IV. 4.), unilaterally terminates effective 25 May 1992 the Interstate Treaty of 1977 and all the agreements which were brought about by the parties and their institutions for the execution of the Interstate Treaty.

2. In light of the discussions held during the session of the Visegrád Three in Prague, negotiations must be held without delay with Jan Carnogursky, the Prime Minister of Slovakia, and with the participation of the EC Ambassadors in Prague and Budapest regarding the Czech and Slovak party's acceptance of a temporary solution for a six month suspension of work on the C variation for the purpose of beginning trilateral examinations during which the parties, on the basis of recommendations, may render a decision in joint agreement with regard to the Interstate dispute.

Responsible: Ferenc Mádl, Minister Without Portfolio

Deadline: Immediately

3. If the negotiations initiated in point 2 are not successful, the Government will disclose in a *Note Verbale* to the Government of the Czech and Slovak Federal Republic by 20 May via diplomatic channels the termination of the Interstate Treaty of 1977. The *Note Verbale* must be completed in accordance with the information mentioned during the Government's session.

Responsible: Ferenc Mádl, Minister Without Portfolio

Foreign Minister

Deadline: Immediately

4. In the *Note Verbale* the Hungarian Government initiates that, with the bringing about of the Interstate Treaty of 1977 we jointly settle the consequences emanating from it in the following order of priority.

1. The restoration and maintenance of the region's ecological and natural values most important of which is the preservation of the drinking water.
2. Protection against floods
3. The adaptation of navigation to the region's natural condition
4. A bill should be prepared for the repelling of Law - Decree No. 17 of 1978.

Responsible: Ferenc Mádl, Minister Without Portfolio

Deadline: Immediately

5. Simultaneously with the revision of Government Resolution 2014/1992 a submission should be prepared for the Government with regard to the taking into consideration and division of the assignments between the concerned ministers subsequent to the termination of the contract.

Responsible: Ferenc Madl, Minister Without Portfolio

Minister of Transportation, Communication and Water Issues

Minister of Environmental Protection and Land Development

Foreign Minister

Deadline: 20 May 1992

Budapest, 7 May 1992

Prime Minister

Dr. József Antall

STATEMENT BY DR FERENC MÁDL, MINISTER WITHOUT PORTFOLIO, TO THE HUNGARIAN PARLIAMENT,
ON 11 MAY, 1992 [EXCERPTS]

On 8th of May, I had a telephone conversation with Prime Minister Carnogursky, in which I invited him to Hungary, for negotiations which were mentioned in the government resolution. His reply was that he would answer today. I discussed this with the ambassador of the European Communities, accredited to Budapest, who expressed his willingness to participate at this meeting. (the invitation of the ambassador for Prague would have been the task of the other party.) The EC Ambassador for Budapest informed me that his willingness to participate was strengthened by the initiative from Brussels. This morning Prime Minister Carnogursky telephoned me and announced, that, after the negotiations with the Slovak government he can say that the Czechoslovak party is not willing to have discussions on the suspension of variant 'C', therefore he does not regard a journey to Hungary as reasonable. I will return to the explanation soon.

And now, I return to the answer today of Mr Carnogursky, and to the explanation of this, the summary of which is that he is not willing to enter into negotiations which concern only the suspension of variant 'C', especially in the event of such an ultimatum. The following has to be said concerning this. From the very beginning we requested the suspension of the decision and the work on variant 'C'. The Hungarian Government contacted the Czechoslovak government three times for this purpose. I have to say that we went as far as self-humiliation in order to gain the consideration of the other party. I also have to say that despite the negative indications that were shown we predicted that the decision would be such as it was, however I was deeply surprised by the negative answer, the last answer of Prime Minister Calfa and the answer of Mr Carnogursky today, although the solution we proposed was such a rational and simple one. And now let me say a few words briefly concerning the EC. In addition to other foreign forums it was emphasised by the European Communities, that it is a European issue, and for this the trilateral negotiation is important. The EC is willing to participate in this, but it informed us also that both parties have to abstain from such steps that may result in a *fait accompli* and may negatively influence the goals which need to be achieved. The said goal is to be determined by this trilateral fact-finding committee. The interpretation of this statement was one of the problems about which we were talking last week in Prague, at the meeting of the Visegrád three between the Hungarian ministers and Carnogursky, and between Prime Minister Carnogursky and EC Vice-Chairman Andriessen.

The Czechoslovak party through its own interpretation of the EC conditions for co-operation, could continue with the unilateral works on the diversion of the Danube, and by this she would fulfil the EC conditions for a six month moratorium (during the examination). The bed of the Danube would only have been closed off by the 30th of October 1992. Mr Carnogursky regarded it necessary to meet us this week expressly to discuss this problem of interpretation. However the answer today was that he is not willing to talk about the suspension of variant 'C'. Nevertheless, the unlawful variant 'C' including the diversion of the Danube can not be accepted by Hungary.

Annex 159

PARLIAMENTARY RESOLUTION 9/1993 (III.5.), 5 MARCH 1993
REGARDING PROTEST OF THE UNILATERAL
DIVERSION OF THE DANUBE
IN CONTRAVENTION OF INTERNATIONAL LAW

Having regard to the fact that the Government of the Slovak Republic, and its legal predecessor, the Czech and Slovak Federal Republic on 24 October 1992 with a unilateral measure dammed up the Danube bed;

establishing that it did not change its injurious decision despite the repeated protest of the Government of the Hungarian Republic, Parliament has passed the following resolution:

1. The Parliament of the Hungarian Republic turns to the legislative bodies of all members of the United Nations with an appeal. The Hungarian Parliament calls the attention of the various legislative bodies to the fact that the Slovak Republic and its predecessor, the Czech and Slovak Federal Republic with the unilateral diversion of the Danube onto its own territory, an unprecedented act in Europe, violates Hungary's territorial integrity and an entire series of international treaties.

The Slovak Republic and its legal predecessor, the Czech and Slovak Federal Republic on its own territory, approximately 1 kilometre from the Hungarian border from which point the Danube serves as a boundary river for almost 150 kilometres, has closed up the original bed which has caused the deviation of the Danube from its previous bed into an enormous reservoir and then conducted it into a 25 km long artificial canal built on Slovak territory.

As a result, in the original boundary riverbed, for about a 30 km long section the water quantity has been decreased by between one fifth, and one sixth of the previous level, causing the river to become unmanagable, drying up on the right along the Hungarian bank, and impairments with grave ecological and economic impacts have been commenced.

As a further consequence, the aforementioned interference significantly endangers the sub-surface drinking water supply which is the water supply basis for millions of people. Apart from the above, irreversible destructive processes have been started in the conservation territory known as Szigetköz, which is unique in Eastern/Central Europe and is a common resource belonging to all mankind.

The unilateral act in contravention of International Law initiated by the Slovak Government, and the Government of its predecessor, the Czech and Slovak Federal Republic violates not only the integrity of the territory of the Hungarian Republic and the international treaties regarding the Danube, but also results in the aforementioned extraordinary ecological and economic damage and risks.

The Hungarian Republic has the precise intention to pursue the settlement of this serious problem by way of lawful means and to prevent any further international conflict in the region. For the aforementioned reasons, the Hungarian Republic shall make the effort to petition, at the same time, the competent bodies of the European Community and the Danube Commission and to submit the issue to the International Court of Justice in the interest of a full and final resolution to this conflict.

Significant progress has been made in negotiations mediated by the Commission of the European Community towards the joint submission of the issue at the International Court of Justice. It has, at the same time, become apparent that the Slovak Government is endeavouring to make permanent the water management situation unilaterally effected and to settle the issue by way of its own dictates.

The Parliament of the Hungarian Republic therefore turns to the legislative bodies of the Member States of the United Nations and requests their support for the efforts of the Hungarian Republic against the violation of International Law and in its endeavours to settle this unlawful situation as soon as possible, taking into consideration the interests of both parties.

2. Parliament requests its Speaker to forward the text of the request contained in Point 1 herein to the legislative bodies of the Member States of the United Nations without delay.

György Szabad
Speaker of Parliament

Béla Glattfelder
Clerk of Parliament

Dr. Lajos Szabó
and Clerk of
Parliament

REPORT OF MR PÉTER HAVAS, HUNGARIAN GOVERNMENT PLENIPOTENTIARY, TO THE HUNGARIAN GOVERNMENT ON NEGOTIATIONS HELD ON 27-29 OCTOBER AND 2-3 NOVEMBER CONCERNING THE GABCIKOVO-NAGYMAROS BARRAGE SYSTEM, 11 NOVEMBER 1982

In the negotiations we followed an approach in line with our guiding principles, namely that we prepared to get closer on the disputed issues but the partners rigid attitude prevented us defining a reconciling proposal. The possibility of further negotiations on this level has been broken, as is stated in the protocol.

The Czechoslovak Party - although during previous expert discussions showed some willingness - has now categorically refused to accept a bigger share in the Dunakiliti closing dam works, at the same time, they are reluctant to give up work on dredging the riverbed section under the Palicikovo. Concerning the latter, their argument is that the further utilisation of dredging equipment is inevitable if they have to perform the dredging of the tail-race canal instead of ourselves. The exchange of the previously defined work-share would be necessary for us because after precise calculations and getting acquainted with the new work-schedule, it appears that:

- the difference between the two works in total is 1 - 1.5 thousand million Forints, but we should perform work to an approximate value of 3 thousand million Forints additional to the initial 4 thousand million Forints in the period prior to 1990,

- the completion of the Dunakiliti closing dam needs to begin with substantial investment in 1985/6 and it must be completely finished prior to 1990,

- the dredging of the riverbed under Palicikovo will commence later and substantial parts of it may be performed after 1990;

there are some technical indications, that the riverbed dredging need only be partially performed, since the balance would be removed by the flowing water.

All this is only a minor part of the disagreements.

The difference of opinion is the widest on the determination of the electric-energy price that will compensate for the works performed by our party instead of by the other party. The Czechoslovak party rigidly sticks to the following:

- It is willing to accept only a calculated "price" that basically constitutes a prime cost - which is considerably smaller than the actual electric-energy price. They propose 23 heller on the basis of 1982 prices, as opposed to the 2.75 kopeck Soviet price, which according to the official Czechoslovak exchange rate is 33 heller, while the domestic price is above that, although we do not have precise data as to the latter.

The compensation should take place with this fixed "price". Compensation based on a variable Rouble based electric-energy price would be acceptable to them, if the price of works performed by us instead of by the other side were determined according to the prices paid to Czechoslovaks for construction works by Socialist countries other than the USSR. This would give us a 4 Korun - 1 Rouble exchange rate as they previously informed us, that is in the terms of the preliminary agreement the value of works, viz. 3.6 thousand million Korun would be 900 million Rouble. The difference in magnitude is substantial, since if using the 12.06 Korun/Rouble official commercial exchange rate which is under the real, the value of works would be 300 million Rouble.

To accept the Czechoslovak standpoint would mean that in a Korun calculated total (which would encompass work performed by both parties including Nagymaros) investment cost's of 13.4 percent would be assumed by ourselves. In order to compensate this, we would need to renounce 25 percent of the electric energy produced by Gabcikovo, equal to 18% of the electric energy produced, but then Gabcikovo would already produce to a larger extent in peak mode with no interest, for a period of 23

years, while with interest for a period of more than 40 years. Alternatively from our point of view; 37 percent of the investment should still be performed by us in the event the taking by the other party of a greater share of the work, nevertheless, our share in the electric-energy produced by Gabčíkovo for 40 years will be only 25 percent (together with Nagymaros, 32 percent of total energy production), which will increase to 50 percent only after full reimbursement. This would be reduced only by the fact that they have to invest much earlier than we do. Besides which, there is for us an unfavourable, relationship between work and electric-energy quantity, the Czechoslovaks will enjoy a much bigger share of the benefits of the 'so called', further advantages.

This absurd and rigid standpoint of Czechoslovakia is motivated by the fact that they claim there's a breach of contract on our side; hence,

- they will provide us with credit to such an extent favourable to them, or
- they will force us to stick to the initial work division in of the Treaty or
- they themselves will build up the Gabčíkovo power plant and reservoir, exclusively on Czechoslovak territory.

This last possibility is already being very seriously and officially considered.

During discussions this was only verbally mentioned, as an unofficial opinion.

In Bratislava, when finalising the protocol, the Czechoslovak plenipotentiary following instructions from Prague informed us that he had to announce this as official opinion. He delivered a draft letter, which would be sent to Hungarian plenipotentiaries as official Czechoslovak information very shortly.

The draft letter touches upon the subject of adherence to "further" basic principles of the interstate treaty and the whole solution is regarded as provisional. They wish to compensate the Hungarian party for the use of hydro-energy potential and also they want to be compensated by us for extra costs arising because of this solution. / The draft letter delivered by the Czechoslovak plenipotentiary is attached.

On 10 November Comrade Újházi asked for modification of the protocol under subscription by telephone, and announced, that he will consult Comrade Rohlíček again. Whether, they will decide to send the official information on independent construction on Czechoslovak territory or not depends on that constitution.. He said that Comrade Rohlíček would insist on this and they also discussed this solution with the competent party secretary. The head of the Hungarian consulate in Bratislava informed me that the Czechoslovak plenipotentiary returning from discussions in Budapest, joined the cocktail party organised by the consulate. In front of several Slovak leaders the plenipotentiary has stated that there is no possibility to reach an agreement on negotiations, therefore, their only possibility is to build on their own territory. According to comrade Szapora, the friendly atmosphere that evolved after the first meeting of the secretaries will go downhill.

Budapest, 11 November 1982

Péter Havas

Annex 161

MEMORANDUM FROM MR PÉTER HAVAS, HUNGARIAN GOVERNMENT PLENIPOTENTIARY TO MR JÓZSEF MARJAI, HUNGARIAN DEPUTY PRIME MINISTER, 6 JANUARY 1983

Deputy Prime Minister

Budapest

Dear Comrade Marjai !

I consider it necessary to inform you shortly concerning

- the reasons of removing from the agenda of the so called, Czechoslovak independent construction of the Gabčíkovo Barrage,
- the exploratory talks with the Austrian Donaukraftwerke AG
- the situation concerning the Economic Committee's proposal.

The Joint Operational Group, which is continuously discussing technical questions had a meeting recently where the Czechoslovak participants privately gave the following information. That the Czechoslovak Government assigned the task of providing technical plans in two versions for independent construction to an engineering institute. The quintessence of the difference between the two variants is the location of the weir. The results were discussed by the Czechoslovak Government and disapproved of. The main reason for disapproval were the worries of the experts in hydrology since:

- The valid solution was preceded by experiments with models taking place over several years. The Czechoslovak independent construction would also require 1-2 years of experiments with models thereby delaying the actual construction

- The danger accompanying a flood with ice would increase to such a degree, that it would be extremely threatening according to the evaluation of hydrologist experts, including a risk to Bratislava,

- The dykes on the left bank of the Danube (forming the south-east side of the reservoir) would be built under extremely unsuitable soil conditions and both of its sides would be submerged under water in the case of extensive floods which would make them almost indefensible.

- Construction in this way, because of the substantially diminished size of the reservoir would result in losses during peak mode operation. If they would like to reduce the earlier mentioned dangers and the unfavourable technical endowments by extending the reservoir in a northerly direction, three villages ought to be destroyed.

- Extra costs in the range of 3.1 hundred million Korun would emerge.

Hence, the Czechoslovaks rejected the variant of independent construction because of the above mentioned reasons, and not in order to avoid the breach of the international Treaty and other international agreements; although, theoretically, independent construction is possible.

Budapest, 6 January 1983

With comradely greetings
Havas Péter
the plenipotentiary of the GNB

Annex 162

LETTER FROM MR JÁNOS SZENTÁGOTHAI, PRESIDENT OF THE HUNGARIAN ACADEMY OF SCIENCES, TO MR JÓZSEF MARJAI, HUNGARIAN DEPUTY PRIME MINISTER, 23 DECEMBER 1981

Dear Comrade Marjai !

In his letter No 43-3/ 1981 from March this year comrade Borbándi found it suitable to survey the research and planning performed up to now on the agricultural and environmental impact of the Gabčíkovo Nagymaros Barrage System /GNB/. He called on the Academy, to form a working group for the evaluation of things heretofore completed and to give an opinion as to the direction of further research and planning.

Following Comrade Borbándi's writ we immediately formed a working group with Petrasovits Imre a doctor of agricultural sciences, as its president. In order to accelerate the work, the members of the said group were chosen from among experts thoroughly familiar with the case. The working group prepared a study called "Report on the agricultural and environmental impacts of the Gabčíkovo Nagymaros Barrage System" together with an appendix to it, as an element of the questions related to the comprehensive utilisation, already delivered by me to Comrade Borbándi.

One Copy of the report and appendix mentioned is hereby attached as information for Comrade Marjai. However, I call your attention to the fact that questions touched upon in this material are only part of the topic on the Danube's comprehensive future harnessing, and probably cannot be regarded as the complete solution while the times and the economic criteria are changing.

Regarding the problem I want to inform you that the Hungarian Academy of Science's (HAS) Presidency has already, at the beginning of this year, decided to handle the issue of the Danube's future comprehensive harnessing by the Presidential Interdisciplinary Problem Committee under the leadership of Sandor Szolár, a regular member of the Hungarian Academy of Science. On the basis of this an ad hoc group was charged with the research on the topics of "Factors of influence on the Danube's prospective, comprehensive harnessing and the conditions of an enhanced and more efficient utilisation." This ad hoc group's assignment is much more complex, since they are commissioned to overview each aspect of the case. The Presidential Interdisciplinary-Problem Committee at its session on 27 November has decided to prepare an accumulated problem register of the complex harnessing with the participation of all ministries and national agencies.

The Presidency of the Hungarian Academy of Sciences finds it important, that issues related to the realisation of this grand project be investigated in a broader context in order to be complete.

To compare advantages with disadvantages is justified from political, economic and also from sociological and ecological points of view. It is indisputable that Hungary utilises the water flowing through the barrage system, however, the Hungarian national interest is best served by reaching a comprehensive solution, which excludes or minimises impacts unfavourable to water quality or ecology. The justification of this is confirmed by the remarks of authors of the attached report.

Budapest, 23 December 1981 With Comradely greetings

(Szentágothai János)

Annex 163

REPORT OF A MEETING OF THE HUNGARIAN STATE SECRETARY OF THE MINISTRY OF ENVIRONMENT AND WATER MANAGEMENT AND THE SLOVAK MINISTER OF FORESTRY, WATER MANAGEMENT AND TIMBER INDUSTRY, SIGNED BY MR MIKLÓS VARGA, THE HUNGARIAN STATE SECRETARY, 11 JANUARY 1990

Report on the Official Visit to the Socialist Republic of Czechoslovakia

Based on the invitation of the Minister of Forestry, Water Management and Timber Industry, Ivan Vesely, I participated in a frontier meeting at Palárikovó on 10 January 1990.

The primary purpose of the meeting was getting acquainted with one another, as Ivan Vesely has been holding his present function for about two months, and at his request, we mutually informed one another on the social and economic transformation which had taken place previously, and the issues of co-operation coming under our competence, in the form of an informal talk.

In the course of the discussion, we surveyed the frontier water relations of the two countries, separately touched upon the supply problems originating from the limitation of the Danube gravel production of 1990, and - at the request of the Slovak Minister - we decided on placing the repeated supervision of this sphere of questions, and its reference under the competence of the Danube Sub-Committee.

We surveyed the situation of the construction of the Gabčíkovo Nagymaros Barrage System, the protocol of the last week of the Joint Operative Group, and approved the measures contained therein on the issues of flood prevention, coming under our competence.

The flood prevention security of the Upper Danube reach will be appropriately guaranteed by the execution of the above, and the protection against the degeneration of the waterbed will also be solved.

We mutually informed one another about the positions of our countries on the issues connected with the further lot of the water barrage system.

As the Hungarian opinion, I emphasized that in the present situation it would be practical to leave the final decision to the would-be new governments, and until that decision, it may be examined by experts (international, if necessary).

As the Slovak position, Ivan Vesely stated that accepting the end-of-October decision of the Hungarian Parliament, contained in the November Memorandum of the Hungarian Government, they renounce the managing of the water course for peak flow at Gabčíkovo, the pursuance of the construction at Nagymaros, and are willing to conclude a separate agreement in the matter of the ecological system of guarantees. The putting into operation of Gabčíkovo power station as soon as possible is, simultaneously, in their national interest. He informed me about the schedule according to which the Slovak, and/or Federal Government intends to take its position on the issue, and when he considers the re-establishment of bilateral discussions possible.

In the course of the discussion, I informed him that the Hungarian Government empowered the Commissioner, Dr. László Udvari, with the government direction of the construction of the water barrage.

In the further part of the discussion, the Slovak Minister informed me on the ideas concerning the organizational solution of the government duties of environment and water management in Slovakia, Bohemia, and at federal level.

The whole discussion was conducted in a frank and objective atmosphere.

Dated in Budapest, 11 January 1990.

Dr. Miklós Varga

Annex 164

LETTER FROM MR G K SÁMSONDI, HUNGARIAN GOVERNMENT PLENIPOTENTIARY,
TO MR GYÖRGY SZALÓKI, CHIEF COUNSELOR OF
THE PARLIAMENTARY COMMITTEE ON ENVIRONMENTAL PROTECTION,
17 SEPTEMBER 1990

**Prime Minister's Office
Danube Barrage Plenipotentiary**

DV-KBT-233/90

**To Dr György Szalóki
Chief Counsellor
Parliamentary Committee on
Environmental Protection**

Dear Mr Chief Counselor:

As per your request, please find attached the seven versions which were included in the negotiations held between Mr. Vavrousek and Mr. Keresztes on 5 September 1990 regarding the Gabčíkovo-Nagymaros investment.

Budapest, 17 September 1990

Respectfully

[signature]

Dr. György Sámsondi Kiss

- A. The completion of the Gabčíkovo-Nagymaros Barrage System (GNBS) according to the original plan.
- B. Provisional solution to the Gabčíkovo-Nagymaros Barrage System: the closure of the Danube bed on Czechoslovak territory in the Cunovo area (without the Nagymaros Barrage.)
- C. The completion of the Gabčíkovo-Nagymaros Barrage System according to the original plan (without the Nagymaros Barrage) and the operation thereof in continuous operation mode.
- D. The completion of the Gabčíkovo-Nagymaros Barrage System without the Hrusov reservoir (and without the Nagymaros Barrage), with only the closure of the Danube bed at the Bratislava-Dunakiliti section and the instalment of the turbines at Dunakiliti.
- E. The utilisation of the Gabčíkovo head-race canal exclusively for navigational purposes of for flood defence.
- F. The suspension of all work on the Gabčíkovo-Nagymaros Barrage System and the conservation of the entire system approximately in present condition.
- G. The progressive demolition of the Gabčíkovo-Nagymaros Barrage System and the restoration of the environment to its original condition.

Annex 165

REPORT FROM MR. FERENC MÁDL, HUNGARIAN MINISTER WITHOUT PORTFOLIO, TO THE HUNGARIAN GOVERNMENT REGARDING THE NEGOTIATIONS WITH THE CZECHOSLOVAK GOVERNMENTAL DELEGATION,
15 JULY 1991

The negotiations held on 15 July 1991 in Bratislava between Ferenc Madl, Minister Without Portfolio, and Jan Carnogursky, Slovak Prime Minister, concerning the resolution of disputed questions with regard to the Gabčíkovo Nagymaros Barrage.

The Hungarian delegation was directed by Minister Without Portfolio Ferenc Madl, the representative of the Government of the Hungarian Republic; The Czecho-Slovak delegation was directed by Prime Minister Jan Carnogursky, the representative of the Government of the Czech and Slovak Federal Republic. The Appendix 1 indicates the composition of the delegations. The director of the Czecho-Slovak delegation presided over the session. The directors of the delegations and the members under their supervision expressed the positions and proposals of the parties.

A recording was made of the negotiation.

I.

The Hungarian Position

The director of the delegation reiterated the essence of the position disclosed during the negotiation on 22 April 1991 in Budapest.

The delegation will undertake a serious historical assignment during the negotiation. The Hungarian delegation commences with the protection of two values:

- 1) In both countries the standard of living, culture, financial requirements, the environment
- 2) and the friendship between the two people is a special value.

From the commencement (according to the decision mechanism characteristic of the party system) the planning and construction of the GNV was performed without professional and social control. In the period of political changes the value of the environment and the risks involved with the operation of the barrage became clear to the Hungarian society. The ecological risks related to the operation may occasion irreversible and harmful repercussions the most serious of which is the threatening of the drinking water of millions of people. The Hungarian professional public opinion is convinced of the intolerability of the probability that the risks will become reality. This is the reason for the rejection of the barrage. The Hungarian decision is not political. In the past years the Hungarian people and the political decision makers agreed with the opinion of the experts which is why it became a political issue. In light of this, the authorization awarded to the delegation by the Parliament concerns the negotiation with regard to the cancellation of the 1977 Interstate Treaty and the abandonment of the entire barrage on the basis of a joint agreement. The necessity of joint resolutions is raised firstly by the assessment of the losses, rehabilitation, flood prevention and the problems surrounding navigation the resolutions of which may be the basis of a new agreement.

During the previous negotiations in April the Hungarian party gave the Hungarian Scientific Academy's ad hoc committee its assessment of the ecological risks of the Gabčíkovo Barrage. On the days prior to the present negotiation the Czecho-Slovak party replied to this. During the negotiation the Hungarian party established with regard to this reply that there is a difference in opinion with regard to the effects of the barrage. We are more concerned with the principle of precaution and the taking into consideration of

long term consequences while the Czecho-Slovak party is not. The Hungarian experts are unaware of Czecho-Slovak material which prove that irreversible damages would not be occasioned in the long term. At the same time the Czecho-Slovak experts are awaiting notification of short term effects so they may refute them. This reversed logic approach must be made flexible in the near future.

In summary: The Hungarian expert institutions see big environmental risks in the future and there is no guarantee that these can be evaded by technological measures emphasized by the Czecho-Slovak party. Therefore the Hungarian experts conclude:

The Danube should remain in its original bed.

For the substitution of lost electricity production in connection with the abandonment of the barrage the Hungarian party on the basis of its own experience proposes the establishment of highly efficient gas-steam cycle of small power plant blocks. The advantage of this solution is that the replacement of the Gabčíkovo Hydroelectric Plant's total loss of 250 MW production means a minimal use of natural gas which is 2.1% of the present yearly used amount of the Czech and Slovak Republic. The Hungarian party is ready to provide the biggest assistance since in Hungary the elements of such a project are in the construction phase and the experts in this field have significant experience.

In addition to the production of electricity in the GNV plans the resolution of the navigational and flood prevention problems is of secondary importance. In the present situation the protection against flooding is guaranteed and the smaller work occasioned by the abandonment of the hydroelectric plant can be completed by the experts of the two countries in short time. A navigable waterway of 3.5 meters in depth can not be assured, instead there is an opportunity to fulfill the proposal consistent with the UN EGB IV for a navigation way-parameter. The solution requires wide ranging planning for which the Hungarian party proposed the invitation of an international expert community. Prior negotiations are being held with a Dutch company which would prepare a realistic study of the problem with the support of the Dutch State.

The abandonment of the barrage raises the question of rehabilitation. This can only be understood in relation to environmental protection and land development since there is a strongly urbanized zone between Budapest and Vienna where there are significant natural values. The rehabilitation of the Nagymaros region is simple because here there is relatively little land destruction. The specific problems with regard to the Dunakiliti-Gabčíkovo region can only be construed subsequent to the result of the negotiation.

In the case of a total lack of understanding the so-called C variation or "theoretical opportunity" suggested by the Czecho-Slovak party as a unilateral solution would be such a grave transgression of Hungarian territorial integrity and International Law for which there is no precedent even in the practices of the formerly socialist countries for the past 30 years. The international law expert of the Hungarian delegation expounded the meaning of the transgressions and the possible Hungarian responses ensured by International Law.

II.

The Czecho-Slovak Position

The two basic points of view also emphasized by the Hungarian party serve as the basis of the Czecho-Slovak position: the ecological-environmental values and the preservation of traditional friendship between the two people. Special emphasis is placed on the latter since there is an opportunity for the cooperation between the two nations. The problem of the GNV should be handled viewing reality and

this reality is the almost finished condition of the GNV.

The Czecho-Slovak party insists on the commencement of operations of the Gabčíkovo Hydroelectric plant, though in light of the new situation it suggests the re-examination of the ecological risks.

During the course of the construction numerous ecological damages occurred, 90% of which occurred on Czecho-Slovak territory (40 kilometers of territory) since the canal was built on the left shore of the Danube. The maintenance of the present condition is intolerability from the point of view of ecology.

A solution pragmatic and acceptable for both parties must be reached. As a method used in EC countries you propose a legally regulated impact study for the examination of the various technological variations.

According to the Czecho-Slovak position there is sufficient information for the examination of the variations which enable the operation of the Gabčíkovo Hydroelectric Plant. The Czecho-Slovak party is aware of the value of the water reserve under the surface and is already using it though the water quality is not determined by the Danube. As a result of the complicated geological and hydrogeological conditions a difference can be detected with regard to the quality of the Danube water and the water under the surface in times of high water level. In any case the drinking water on the territory requires treatment. With the analysis of the information of the already expanded monitoring system a complex solution is necessary. Since the operation of the Gabčíkovo Barrage causes the same result as the high water level (an example of this is the situation in 1975) it is necessary to build water filters irrespective of the operation of the Gabčíkovo Barrage. This fact is emphasized because during the negotiations, in our view, it was not handled according to its importance.

In the past years the GNV problem was thoroughly dealt with. In Czech and Slovakia 240 volumes of documents attest to the same. Now the only thing missing is the assessment. What can already be ascertained is that the Gabčíkovo Hydroelectric Plant can not be demolished because the liquidation costs more than the construction and the present ecological damage is greater now than if the barrage would be into operation. The effects may be viewed during the operation of the barrage. There is a opportunity for additional technological solutions. We request the Hungarian party to understand this position.

The GNV must be evaluated on the basis of social, economic and ecological points of view. The Czecho-Slovak party sees the way out of it in the establishment of a expert committee.

The Hungarian, Czech and Slovak trilateral committee established with the withdrawal of EC experts would examine four variations the proposals of which would be made to the governments.

The variations:

- 1) the fulfillment of the GNV according to the original plans,
- 2) the Nagymaros section will be postponed and the Gabčíkovo Hydroelectric Plant will be operated with the original size of its filling. (the so-called D variation),
- 3) the Nagymaros section will be postponed, the Gabčíkovo Hydroelectric Plant will operate with the so-called canal solution (this is not identical to the C variation emphasized in official form in the past).
- 4) The entire GNV will be postponed and they will restore the original condition.

The Hungarian Party received notification of the questions regarding the EC experts and that personal contact was made with Mr. Brinkhorst and the 11th director general of the European Council to delegate the invited experts for the examination of the variations.

The Czecho-Slovak party may only contemplate a solution which supports the prospective operation of the Gabčíkovo Hydroelectric Plant. Since the Hungarian party does not want this, a decision can only be brought after the examination of all the variations.

In our opinion all the information is at our disposal which is why a decision may be brought about in a few months. During this time the Interstate Treaty of 1977 will remain in force in order to prevent a legal vacuum.

The Hungarian party was given the following information with regard to the "canal solution" concerning the question about the technological contents of the "intermediate variation": Without the Nagymaros construction project (without peak operation) the Dunakiliti reservoir loses its purpose. This solution means the construction of a dam suitable for the preservation of 2-3 m³/sec of hydroelectric energy. The present dams ensure flood protection.

All of the proposed variations require the cooperation of both parties: here at the negotiation the Czecho-Slovak party did not propose the expounding of the technological contents of the concrete variations instead it thought it necessary to discuss the procedure for further steps and the possibility to establish a joint (trilateral) committee. According to your proposal, the Interstate Treaty may be amended after the mutual acceptance of variation recommended by the committee. As a part of the amendment of the treaty you believe the examination of the damages is necessary. The Czecho-Slovak party will not delay construction during the examinations for the purpose of preventing the further damage caused by the Hungarian party's violation of contract.

III.

After expounding their positions both parties requested the establishment of committees.

The Czecho-Slovak delegation requested the examination of the operational variations by the trilateral international committee. The committee consists of Czecho-Slovak, Hungarian and EC experts. A response was requested on 31 July 1991 with regard to the establishment of the committee. Since a Parliamentary decision is necessary for the Hungarian party this may only occur on a later date due to technical reasons which is why you accepted 15 September as the deadline. Until 31 July any proposal supporting the operation of the Gabčíkovo Hydroelectric Plant may be made. Until then the Czecho-Slovak party will send its specific proposals.

The Hungarian party proposed the establishment of a bilateral committee in parity consisting of Hungarian and Czecho-Slovak experts to deal with the exploration of the nature of the ecological risks with the simultaneous suspension of work by the Czecho-Slovak party. The Czecho-Slovak party made no disclosure with regard to the establishment during the negotiation but promised to respond by 15 September.

The directors of the delegations agreed that after this date other government meetings may be held.

At the end of the negotiation you agreed to a joint communique. This is the Appendix 2 of the announcement.

Budapest 18 July 1991

Dr. Ferenc Madl

Appendix 1

The list of names of the Hungarian delegation

Minister Without Portfolio Ferenc Madl

Minister Sandor K. Keresztes

Minister Csaba Siklós

Government Commissioner György Kiss Sámsondi

Deputy Under Secretary of State Árpád Bakay

Deputy Under Secretary of State Dénes Tomai

Secretary General of MTA István Láng

Counsellor to the Prime Minister Miklós Király

Consul General Jenő Boros

Consul Lajos Váradi

Ministerial Commissioner György Tatár

Academician Árpád Berczik

Counsellor to the Government Commissioner Adrienne Hajósy

University Professor László Valki

The list of names of the Czecho-Slovak delegation

Prime Minister J. Carnogursky

Ambassador R. Chmel

President of the Federal Environmental Committee J.Vavrousek

Minister J.Belcak

Minister V. Oberhauser

President of the Slovak Environmental Committee I. Tirpak

Deputy Minister I. Vostatek

Assistant Under Secretary P. Krajhanzel

Government Counsellor D. Kocinger

Appendix 2

Communique

On 14 and 15 July 1991 a negotiation was held between the government delegations of the CSFR and the Hungarian Republic regarding the questions of the Gabčíkovo Nagymaros Barrage. The government delegation of the CSFR was lead by Jan Carnogursky, president of the Government of the Slovak Republic and the government delegation of the Government of the Hungarian Republic was lead by Minister Ferenc Madl.

The Czecho-Slovak delegation expressed its readiness for resolving the situation on the basis of a multilateral judgment of the various alternatives proposed by both parties.

The Czecho-Slovak delegation recommended that a joint committee be established consisting of plenipotentiaries of the CSFR, RH and the EC which would examine the variations submitted by 31 July 1991. The committee would judge the variations in a complex manner placing the emphasis on the resolution of the ecological problems. The committee would submit the results of the examinations to the government delegations. The government delegations of the CSFR and the RH would decide on the further procedure. The Czecho-Slovak party emphasized that it could only accept a variation which enables the commencement of operations of the Gabčíkovo Barrage.

The Hungarian party, in accordance with its mandate, urges the abandonment and demolition of the barrage on the basis of the mutual agreement of the Interstate Treaty of 1977 and made a recommendation for cooperation with regard to the resolution of the ecological, navigational, flood preventional and energetical problems.

The Hungarian party made a proposal for the establishment of a two-sided professional-scientific committee for the joint exploration of ecological risks binding the work of the committee to the simultaneous suspension of work on the Czecho-Slovak side.

The delegations agreed to notify their governments and parliaments and inform each other, by 15 September, via diplomatic channels, of their position with regard to the establishment of a committee. New negotiations between the government delegations may be held subsequent to this.

Bratislava, 15 July 1991

Ferenc Madl, the leader of the Hungarian delegation.

Jan Carnogursky, the leader of the Czech and Slovak delegation

LETTER FROM MUNICIPAL COMMITTEE OF SLOVAK ENVIRONMENTALISTS TO GOVERNMENT OF THE
HUNGARIAN PEOPLES REPUBLIC, 24 MAY 1989

Slovak Union of Nature and Landscape Protectors
Municipal Committee, Bratislava
No.: 663-12/T

To the Government of the Hungarian People's Republic

B u d a p e s t

For the information of: the Government of CSR, the Government of SSR, the Czechoslovak News Agency, the Hungarian News Agency, the Central Committee of the Association of Slovak Environmentalists and others.

File No.: 5114/89/H Bratislava, 24 May 1989

Re.: Statement in connection with the stopping of the construction of Nagymaros waterworks.

Dear Hungarian Comrades,

Bratislava Municipal Organisation of the Union of Slovak Nature and Landscape Protectors - which has about 1200 members at present, and a further 10000 citizens in the form of collective membership - is the only official organisation of voluntary environmentalists in the territory of Bratislava, and is simultaneously the most active environmental organisation in Slovakia.

The main spheres of activity of our organisation include - not only today, but also in the course of the past 12 years - the many-sided interest in the issues connected with the Danube, as well as the preservation and the rational utilisation of the Danube landscape. Our organisation has already held several hundred actions in a variety of forms (excursions, lectures, discussions, exhibitions, on-the-spot investigations, expression of opinions, proposals, petitions, publications in journals and periodicals, warnings, letters, etc.).

Our organisation has prepared materials of such a nature as e.g. the detailed proposal aiming at the establishment of the Danube-bank National Park; the plan of the Danube-bank Park involving three countries; 1 May greetings to the senior leaders, in which the participants of a mass excursion called attention to the destruction of the region on the bank of the Danube; giving a warning prognosis of the Gabčíkovo-Nagymaros Barrage System seen from the environmentalists' point of view.

In autumn last year our organisation joined the citizen's initiative known as the Danube Declaration - signed by more than 2000 Czechoslovak citizens so far - among them the leading experts of the given problems. We have always endeavoured to have constructive dialogue with those who made the decisions about the fate of the Danube, and it was also appreciated by the highest Slovak representatives, the former Secretary-General of the Central Committee of the Slovak Communist Party, comrade J. Lenárt, and the Slovak Prime Minister, comrade Ivan Knotek.

We considered it necessary to mention the above facts in order to make it clear that we are not dealing with the evaluation of the situation of the Nagymaros barrage and the whole barrage system rashly and without a knowledge of the inter-connections.

We have never made a secret of our worries concerning the fate of the Danube and the ecological system of the region on the bank of the Danube, as well as the whole region. The decision-making bodies, however, did not pay much attention to our doubts. Simply no discussions were conducted about the construction of the joint barrage system - among others - because the convention between CSR and Hungarian People's Republic may - allegedly - not be amended.

The situation started to change slowly in the past years, in parallel with a full awareness of the

global ecological crisis. The changes which have taken place in the Soviet Union have considerably affected the way of thinking in Eastern-Europe. At the end of the 80s, the evaluation of the unique values of the reach of the Danube between Vienna and Budapest was considerably affected by the support of Austrian public opinion in the interest of rescuing the floodplain near Hainburg. The sensitive reaction of Hungarian public opinion is also indisputably justified, as the Danube is of symbolic significance in the history of the Hungarian nation.

We do not want to turn a blind eye to the fact that the construction of the Gabčíkovo waterworks is in an advanced stage. Therefore in the past two years we have concentrated - in harmony with our proposal submitted to establish the Danube-area park, and in agreement with the opinion of the Hungarian, Austrian, Soviet and other environmentalists - on abandoning the construction of the Nagymaros barrage and the amendment of the operation of the Gabčíkovo barrage in a way that reduces the scale of impact on the natural order of the Danube and riverside region. Thus, we regretfully acknowledged that the former Hungarian government had agreed with the Austrian contractors on the commencement of the construction of Nagymaros barrage, disregarding the enormous protest of the public which - without exaggeration - assumed world-wide proportions.

Despite the fact that the construction of the Nagymaros waterworks had nevertheless commenced we adhere to the view that taking the long term perspective it is not only more saving from the ecological and the economic point of view, but also more forward looking from the political point of view to abandon the construction of the Nagymaros Hydroelectric Power Plant.

Though the losses which would be caused by such a decision can be more exactly calculated at present, and are more convincing than the values saved, we are convinced that the values saved are more important from the long-term point of view.

For the reasons mentioned above, we support the decision of the new Hungarian government concerning the suspension of the construction of Nagymaros barrage. We offer our knowledge, experience and capabilities during the period of the comprehensive investigation of the problem, and support the Hungarian environmentalists and the whole of public opinion.

Yours sincerely,

Dr. Huba Mikulás
Chairman, Municipal Committee

The above statement was approved by the Municipal Committee of Slovak Environmentalists and Conservationists on 18 May 1989.

Annex 167

POSITION OF CZECHOSLOVAKIA ON MATERIALS PREPARED FOR THE COUNCIL OF MINISTERS OF THE
HUNGARIAN PEOPLE'S REPUBLIC ON THE DECISION OF TEMPORARILY STOPPING WORK ON THE
NAGYMAROS BARRAGE, 26 JUNE 1989

The materials were handed over at the Czechoslovak Embassy in Budapest on 26 June 1989 as an Annex to the letter written by the Prime Minister of the Hungarian People's Republic to Comrade Pavel Hrivnak, Prime Minister of the Czechoslovak Socialist Republic (Czech and Slovak Federal Republic).

The materials included the following:

1. A paper prepared by the Ad Hoc Committee of the Hungarian Academy of Sciences on the environmental, ecological, water quality and seismological impacts in the event that the Nagymaros Barrage were either implemented or not implemented.
2. A professional summary of the risk factors and ecological hazards considered by the Council of Ministers of the Hungarian People's Republic when making its decision on the suspension of work at the Nagymaros Barrage of the Gabčíkovo-Nagymaros Barrage System.

At the onset of the planning work for the comprehensive development of the riches of the water of the Danube with its decision of 26 August 1953, the Government of the Czech and Slovak Federal Republic commissioned the Czechoslovak Academy of Sciences (CAS), the Slovak Academy of Sciences (SAS), and the Czechoslovak Academy of Agriculture (CAA) to monitor the development of the plans of the barrages on the Danube and to provide efficient assistance for the planners. (For this purpose, the CAS set up 12 special committees and the SAS set up 6 committees.) The multidisciplinary approach to the preparation of the harnessing was of interest for various expert groups, and the co-operation of the scientists of the two countries began as early as that time. The two countries considered the results and the elaborated engineering designs to be common.

Ten years later in its decision No. 652/63 of 29 June 1963, the Czechoslovak Government charged the Deputy Prime Minister and the Chairman of the Committee for Technical and Scientific Development and Co-ordination to work out a comprehensive government study on the input data of research and investment for the development program of the Gabčíkovo-Nagymaros Barrage System through co-operation with the Ministers for Agriculture, Forest and Water Management, Construction and Energy. The complex task was worked out at six main working places and two to eight research institutions were involved in it.

On 29 and 30 April 1965, a symposium was held in Bratislava on the plan of the Gabčíkovo-Nagymaros Barrage System and the environment, led by Academicians Ballus (Architect and Urban Planner), Duba (Water Manager) and Mucha (Physician, Expert on Public Health). One of the main presentations at the symposium was the one entitled "Biological Problems on the Landscape", worked out by the Landscape Biology Institute of the SAS.

In May 1968, the Slovak Committee for Water Management of the Czechoslovak Technical and Scientific Association organised a symposium, where presentations were again given on the impacts of the Gabčíkovo-Nagymaros Barrage System, including the agriculture, the riparian forests along the Danube, the protection of the communities and the flood control of the lowlands as well as on the engineering consequences at the construction site.

On 22 October 1975, a symposium was held for the general public, on which the impacts of the Barrage on the environment were discussed, proposals were made to improve the natural conditions and to mitigate the possibly adverse impacts of the Gabčíkovo-Nagymaros Barrage System. In the meanwhile, intensive co-operation was under way with the Hungarian experts as well. Both Parties kept in mind constantly, that the tasks, interests, and problems to be solved; that our generation inherited with the Danube, are common.

This co-operation continued with the evaluation of the proposals of engineering designs, the approval of the joint development program and the drafting of the Joint Contractual Plan.

On 16 September 1977, the Treaty on the construction and the operation of the Gabčíkovo-Nagymaros Barrage System was signed between the Hungarian People's Republic and the Czech and Slovak Federal Republic. The basis for this was a jointly drafted plan meaning that the impacts of this system on the adjacent areas and the environment were considered, based on the materials devised by the research institutions of the two countries.

For the implementation of the proposed designs having an ecological character, the Biological Plan of the impact area of the Gabčíkovo-Nagymaros Barrage System was a major step, which was drafted between 1975 and 1976 by URBION.

The life of the local population, the developments of industry, agriculture, transport and social service as well as the increase of the yield and reliability of the drinking water resources are regulated by Decision No. 56 of the Government of the Slovak Socialist Republic (SSR) issued on 28 February 1978, on the comprehensive regional plan of the Gabčíkovo-Nagymaros area. This area covers more than 300,000 ha. Numerous contemporaries live on both the Hungarian and the Czechoslovak sides, who have been involved in the discussions on the environmental impacts held before the preparation of the Biological Plan. As a continuation and updating of the Development Plan mentioned already, a supplement was worked out in 1986 for the area between the power canal and the Danube riverbed.

Based on this comprehensive and long-standing co-operation, the Hungarian and Czechoslovak Committee for Economic, Technical and Scientific Co-operation commissioned the Slovak and Hungarian Academy of Sciences to integrate the joint geological, hydrological and biological research into their program extending between 1981 and 1985, in order to obtain even more knowledge about water quality, biology etc., in short, about ecology related to the Gabčíkovo-Nagymaros Barrage System. It concerned the deepening of the knowledge on ecology or its possible improvement in order to maintain the environmental conditions as much as possible, or perhaps the development of proposals to minimise the possibly adverse impacts of the Barrage.

The Academies of both countries determined the programs of research, collated the methods and determined the avenues of co-operation. The co-operation and the common results were published by L. Weismann, Academician and T. Dáuber, Corresponding Member of the SAS in the Annex of the periodical entitled "New Word" (Új szó) (No. 23, 1989), thus these are not discussed here. It can be ascertained, however, that the co-operation of the Czechoslovak and the Hungarian Academies was fruitful. Several recommendations were accepted, and several of them will be implemented during construction or in the future in a way that realises the improvement of the environment. The protection and preservation of the environment are very important on both the Czechoslovak and the Hungarian side of the Danube. The disagreements cannot be of such a nature that they could not be reconciled.

It has to be noted, however, that during this jointly performed work, no new viewpoints or reports on recent scientific findings were given to us up until 13 May 1989, and as a matter of fact, up until today either from our co-operating Czechoslovak and Hungarian scientists or in the negotiations of the Joint Operative Task Force of the Plenipotentiaries or in the negotiations of the Plenipotentiaries of the Czech and Slovak Federal Republic and the Hungarian People's Republic. In the same way, the session of the Hungarian Parliament held between 5 and 7 October 1988 took up a position in favour of the Gabčíkovo-Nagymaros Barrage System, when 317 Members of Parliament (MP) voted in favour of the continuation of the construction, 19 MP's voted against it, and 31 MP's abstained from voting. Prior to this session, the construction sites of the Gabčíkovo-Nagymaros Barrage System were inspected in August and September 1988 by almost all the Members of the Hungarian Parliament. (On the visit to the sites, 10 groups with 60 members each, totalling 600 Hungarian MP's, participated as well as the guests invited by them.)

The requests of the Hungarian Party have always been fulfilled by the Czechoslovak Party. In 1958, the government delegations agreed on the construction of the Nagymaros Barrage. In 1983 we agreed on the extension of the construction by four years. On 6 February 1989, again at the request of the Hungarian Party, we agreed on shortening the construction of the Nagymaros Barrage by 15 months.

We do not know what scientific knowledge the Council of Ministers of the Hungarian People's Republic acquired to decide the suspension of the work on the Nagymaros Barrage on 13 May 1989 for two months, because it wanted to study new data. In the negotiations of the Prime Ministers of the Czech and Slovak Federal Republic and the Hungarian People's Republic on 24 May 1989 in Prague, Comrade Adamec, Prime Minister of the Federal Government, stated that the position of the Czechoslovak Government declares unanimously that it is in its interest to have the Barrage fully completed. He stated that he was ready to find a solution in the negotiations of the experts of the countries, which makes the successful completion of the Barrage possible.

In the Protocol of the negotiation of the Plenipotentiaries of the Czech and Slovak Federal Republic and the Hungarian People's Republic on 6 June 1989 in Budapest, the Czechoslovak Plenipotentiary announced, among others, that it was put down in the information package prepared on the Session of 3 June 1989 of the Parliament of the Hungarian People's Republic that the Government discussed the various information of the government agencies, the Academies of Sciences, the Advisory Board of the council of Ministers, the Committee formed for the joint supervision of the work and other societal agencies. Furthermore, the Government was informed by several international institutions, renowned and prominent scientists etc., based on which the Government decided to temporarily suspend the work on the Nagymaros Barrage.

The Czechoslovak Party made efforts to receive tangible and grounded primary materials, on the basis of which the Council of Ministers of the Hungarian People's Republic decided to temporarily suspend the work on the Nagymaros Barrage on 13 May 1989.

In the Protocol made on handing over the materials and the letter written by the Deputy Prime Minister of the Council of Ministers of the Hungarian People's Republic to the Prime Minister of the Czech and Slovak Federal Republic, which took place at the Czechoslovak Embassy in Budapest on 26 June 1989, the Plenipotentiary of the Czech and Slovak Federal Republic stated that the Hungarian Party informed the Czechoslovak Party about the temporary suspension the construction work on the Nagymaros Barrage on 13 May 1989, and handed over the materials on 26 June 1989, i.e. 44 days later, which formed the basis for the decision making of the Government of the Hungarian People's Republic on 13 May 1989.

The Hungarian Party recommends that the Czechoslovak expert committees hand over the documentation on each issue for the Hungarian Working Groups, while recommending that the Prime Ministers of the Czech and Slovak Federal Republic and the Hungarian People's Republic review the results of the scientific negotiations in the first half of July 1989. Such a proposal seems to be out of proportion following a delay of 44 days to hand over the materials.

Having translated and studied the materials, the Czechoslovak Plenipotentiary proposed over the phone to Comrade Udvardi, Special Government Commissioner of the Government of the Hungarian People's Republic on 7 July 1989 that the Czechoslovak Party recommended the experts' negotiations to be held on July 11 and 12 in order to meet the two-month deadline of the unilateral temporary suspension of the construction of the Nagymaros Barrage. We regretted to notice that on the part of the Hungarian Party, only the time between July 17 and 19, 1989 could be accepted.

Subsequent to their study by the experts of the Working Groups, it is considered necessary to state briefly the following about the materials presented for negotiation by the Hungarian Party:

Having studied the materials, all scientists and experts agreed that the materials did not contain scientific justification or documents that were recent and unknown to date, that would have not been considered in the earlier plan documentation and that would have not been included into the successive amendments to

the Joint Contractual Plan. The primary materials do not contain new aspects not even for such a radical intervention like stopping the construction of the Nagymaros Barrage. The common planning done and the common decisions made so far took a more complex interpretation of the scientific preparations as their starting-point.

Such a conclusion was also drawn based on the material handed over by the Hungarian Academy of Sciences, which stressed that Hungarian scientists had no chance to study the scientific, the professional and the planning documentation, based on which the joint development program and the Joint Contractual Plan were worked out. We do not know, on what basis they examined the possible impacts and on what basis they expressed their concern.

The Slovak and the Hungarian Academies of Sciences have been working as per a joint scientific program since 1982, thus

- How is it possible that until 1982 and even after 1982 the scientists had no chance to get acquainted in detail with the plans and the relevant studies?
- Why did the Hungarian Party not present the remarks put down in the materials to the negotiations during this period?
- It can be assumed that, while working out the materials presented, the appropriate experts, who knew the problems of resolving the ecological issues in the plan, did not cooperate. We would be relieved of numerous incorrect statements.

To add to the general remarks, I mention that based on the co-operation of the Czechoslovak-Hungarian Boundary Water Commission, it has been known for several decades what monitoring and measuring results we have had together with the Hungarian water management professionals and what data has been available.

We do not understand why the Hungarian materials refer to the lack of data. We can hardly imagine that data on the field of water quality, groundwater, hydrography and health are inaccessible to the Hungarian scientists.

The conclusions of the Working Group on Ecology of the Czechoslovak experts can be summarised by stating that by not completing the Barrage System, the whole affected area cannot be restored to its original state. In fact, it is expected that the negative impacts may even increase from the aspect of ecology without any economic effect. The construction required sacrifices in nature and in the landscape. It is unnecessary to enhance these even more by stopping the construction.

According to the statement made by the scientists co-operating in the fields of hydrology and ecology, the materials presented do not contain any facts that would have not been known and considered in the engineering design of the Gabčíkovo-Nagymaros Barrage System and they do not put down concrete and provable arguments that would challenge the implementation of the Nagymaros Barrage.

The chapter on "Ecological Impacts" drawn up in general ends with the following statement in the first document: "The value of the produce obtained directly from the natural living system can be estimated as US \$ 220 thousand million annually", which can be considered rather a non-scientific piece of data without going into details and providing support. In the relation of the two countries, similar numerical expressions are usually made jointly with the involvement of the responsible experts of both countries.

Re the desired preservation of biodiversity, our reservoir built on the Vág River ("Slnava") can be mentioned as an example that was built as a natural model for the reservoir downstream of Bratislava, where rich biodiversity developed unexpectedly on the tiny islands in the reservoir.

The recommendation in the materials: "... by opening up the closed systems of the old branches, such a connection should be created, which is the most suitable for the ecological function of living organisms",

according to our experts, gives evidence that the author is not aware of the problems of the shallow reach of the Danube.

In the chapter on "Water Quality", it is stated that the amount of plankton has increased ten fold in the water of the Danube since the 1960's and that the chlorophyll level is 100 mg/m³ at Rajka and 240 mg/m³ at Baja. No reservoirs have been built on the reach of the Danube between Rajka and Baja, yet the chlorophyll content increases there significantly. It is pointed out in the document that there has been more plankton at Baja than at Rajka so far as well. Ceasing the construction of the Nagymaros Barrage will not stop this unfavourable situation and development which has prevailed so far.

In the chapter on "Sewage Treatment", the maximum requirements are known in general, and they were also known to the builders of the reservoirs on the river on the Austrian and German reaches of the Danube.

The deterioration of the water quality of the Danube on the reach between Nagymaros and Budapest is impossible as a result of the construction of the Nagymaros Barrage, and indeed, based on Czechoslovak and foreign experience, the water quality will improve on this reach.

The points that the Danube riverbed is being scoured and that the yield of the bank-filtered wells for drinking water decreases as well as that iron and manganese showed up in some wells in the town of Szentendre prove that this phenomenon cannot be linked to the construction of the Gabčíkovo-Nagymaros Barrage System.

In the chapter on "Drinking Water", the general remarks made need no commentary. We stopped over the contradiction of two statements: "in the process of bank-filtering, the key is the living layer at the bottom of the riverbed... As a result of damming up the river, this function will deteriorate. If this layer ceases functioning with the higher discharge, however, the underlying stratum with coarse grains will become bare, and its filtering effect will decrease. The water will flow into the wells along the banks in a less filtered state and will be more polluted. Consequently, it will have to be chlorinated, otherwise it cannot be used. On the dammed reaches of the river, however, the filtering layer remains for a longer period than on the reaches that have not been dammed up."

As a matter of fact, this statement directly supports the construction of the Nagymaros Reservoir!

For the chapter on "Tectonics", we put it down that we obtained the clearest picture on the geological substrata while dredging the trench mainly in the Danube riverbed over an area of 46 ha. (In comparison, the trench of the Gabčíkovo Power Plant covers 8 ha and that of the locks is another 8 ha.) It is necessary that the open trench be examined by the experts at Nagymaros, but the Czechoslovak experts also found that the exposed geological profile corresponds to those geological input data that were used in calculations in the Joint Contractual Plan. In the same way, it cannot be assumed the Austrian experts from DokW would not have given warning about the discrepancy between the reality and the plan.

I do not mention the clearly provable geotectonic research that was carried out at the Gabčíkovo Barrage. The geological composition was proven to the greatest extent once between 1965 and 1967 and again in 1974.

Based on the available seismological data, the following remarks can be made to the expert judgement of the HAS stating that the expected seismic activity can be classified between grades 9 and 10:

All information so far (up until the October, 1988 Session of the Hungarian Parliament) started from the fact that the Nagymaros Barrage is located in a seismically calm area. The given seismicity was 1 (?) degree. Everyone knew that, according to the Hungarian geologist, Mr. Réty, a seismotectonic line extends across the area of the Nagymaros Barrage. It is apparent from his work and data that no earthquake stronger than 3 to 6 OMCS has been detected either here, or in the wider vicinity of the area.

(1) The Map of Maximum Earthquake Intensity of Hungary (455 - 1971) by D. Csomor, Department of Seismology of the Geodetic and Geophysics Research Institute of the HAS, on which the areas with ≥ 5 OMSK are delineated (Annex 1).

2)"Map of Maximum Observed Intensity of Hungary and Southern Slovakia, in Contribution of the Institute of Geophysics of the Slovak Academy of Sciences 11/1981" by D. Csomor (Institute of Geophysics, HAS, Budapest), I. Brucek (Institute of Geophysics, SAS, Bratislava) and D. Procházková (Institute of Geophysics, CAS, Prague), on which Nagymaros is classified as having 5 OMSK (see Table 1).

(3)"Atlas of Isoseismal Maps - Central and Eastern Europe" by the Commission of Academies of Sciences of Socialist Countries for Planetary Geophysical Research, published in 1978 in Prague by the Geophysical Institute of the Czechoslovak Academy of Sciences.

In the materials mentioned, there is not even sign of higher seismic intensities in the given areas over the historically known period.

The assertion in the Hungarian materials that seismic intensities will increase to 9 to 10 OMSK is not supported by anything and is not justified. We cannot imagine the effects and consequences of such a high intensity to the architectural activities in the cities of Budapest or Esztergom.

The procedures of forming expert judgement on the seismic hazards to the Barrage System were carried out jointly over the period of 1960 through 1965, based on the scientific knowledge of the time. An independent expert judgement justified these in 1981. None of the seismological observations made between 1965 and 1989 has proven otherwise than what was claimed by the already developed expert judgements, based on which the implementation of the Barrage System was designed.

The hazard of 9 to 10 OMSK to the Nagymaros Barrage from seismic impacts as claimed in the Hungarian materials is not grounded scientifically and is probably derived from the inappropriate interpretation of the MCS scale to MSK scale in 1964.

A realistic base for the scientific seismicity is the issue of induced seismicity after the completion and during the operation of the Barrages. In the interest of operational safety, the extensive monitoring of the seismic activity is fully justified and was discussed at the 10th meeting of the Presidency of the CAS held on September 14, 1988 under the title "A plan for setting up a regional and local seismic network for the area of the Czech and Slovak Federal Republic". To provide for these objectives, the National Planning Board of the Czech and Slovak Federal Republic is continuously making foreign currency reserves available.

For the topics of the Working Groups on Soil Science, Agriculture and Hydrogeology:

The impact of the Barrage system on the soils is taken from the paper entitled "The development of the soils in Zitny Ostrov until 1990 - A prognosis". However, it focuses only on the negative impacts, in spite of the fact that the Czechoslovak analysis takes into account not only the negative impacts, but mainly the positive changes (the increasing yields of the soils, further pedogenesis).

The soils will be affected mostly in Czechoslovak territory. The impacts of the Nagymaros Reservoir will be detected almost exclusively on Czechoslovak territory. The prediction on the pedogenesis in the Zitny Ostrov we worked out in agreement with Hungarian scientists is known to both Parties. The present topsoil is a result of human intervention into the water balance of the area and has not been the original state for a long time. The prediction takes into account the results of pedogenesis.

The area was split into two: one of them is the area upstream of the Dunakiliti-Hrusov Reservoir, where the productive capacity of the soils will remain unchanged. The water surface of the Reservoir is assumed, however, to have a positive impact, as it will increase the relative humidity of the air. A drop in the water table in the vicinity of the headrace and tailrace canals will result in positive changes in the

aeration of the soils. A negative phenomenon will be a greater dependence on climatic precipitation before the completion of the irrigation system.

A drop in the water table exceeding the 1.0 m is expected on an area of 19,000 ha. The drop of the water table will take effect on areas, where the largest and densest drainage canal network has been developed by now. These will be used for supplying water in the future, which will make it possible to regulate the water balance on an area of about 40,000 ha. In this area, the further development of soils will take place in the central upper part of Zitny Ostrov, but there too the development of irrigation systems will take place in accordance with the plans, and in fact, these have already been partially developed.

In the area upstream of the Nagymaros Reservoir with the dammed-up water level of the Danube, no negative impacts of an increasing hydromorphism are expected in the area of the Pleistocene core, only at the depressions of Zitny Ostrov and the left side of the Vág River. Substantial soaking is expected only in the northern part of this area. An improvement in the moisture content, i.e. an enhanced hydromorphic state is expected in large areas, which may result in the soaking of the soil and the increase of the secondary salt content. It should be known, however, that prior to the construction of the Barrage system, the water balance prevailing so far has resulted in saline soils in extensive areas that one has to fight with considerable irrigation.

The predicted positive and negative impacts were projected into the plan on amelioration measures of the State Amelioration Directorate, where the areas showing improving tendencies in the water balance of the soil were excluded from the irrigation plans. A temporary deep drainage system is being developed to remove the present and future salt content of the soil.

When evaluating the Gabčíkovo-Nagymaros Barrage System, we started from the fact unanimously with the Hungarian Party that the Hrusov-Dunakiliti Reservoir and the Nagymaros Reservoir form a uniform groundwater basin. In our country, this unity forms the basis for achieving the optimum efficiency of the valuable water withdrawal sites from the aspect of flood control of the area, and depending on water regulation and ecological conditions.

In this unity, the Hungarian Party sees now (over the period of a few months between the sessions of Parliament) an adverse impact on the ecosystem of the Czechoslovak and Hungarian reach of the Danube. This adverse impact is not locally quantified and justified.

The requirement that Gabčíkovo should generate "through-flow" energy is unreasonable. Everyone, who knows only the basic principles of hydroelectric power development, should be clear on the fact that an unfavourable hydrological regime has resulted in the present riverbed from the abandonment of the Nagymaros Barrage, as opposed to the full functioning of the Nagymaros Reservoir. The opinion that the adverse impacts get reduced in the area by abandoning the Nagymaros Reservoir is a conceptual mistake.

An additional question, to which great significance is attributed in the materials of the Hungarian Party, is the impact of the Nagymaros Barrage on the yields of the soils in the impact area. Irrespective of the fact that the bilateral protective measures will eliminate the adverse impact on both riversides, the damming up of the water level in the Nagymaros Reservoir will have a beneficial impact in an extensive area on the Hungarian side. In every case, the stabilisation of the level of the Danube with a one-metre fluctuation will be enhanced due to the peak-operation, thus favourable conditions will be created for the regulation of the groundwater level.

The impacts of groundwater on soil equilibrium and crop yields have been determined based on detailed studies. They have been studied in (and documented in a great number of publications by) the Hydrological and Hydraulic Institute of the SAS since 1954. In a few papers the dependency of yields on the occurrence of precipitation and the moisture content of the soil as well as the depth of the water table were determined. The reports not only determined the beneficial depths for the various crops, but also studied the effects of groundwater on the pedogenic processes. Some of these results were presented at the 5th Congress of the International Committee for Irrigation and Drainage convened in Tokyo in 1963.

It is apparent from the results that the present natural regime is inadequate with respect to the optimum situation during the whole growing season.

It has to be pointed out that through the stabilisation of the groundwater levels, more favourable conditions will be created for the regulation of the groundwater than presently.

The impact of the Nagymaros Barrage on the other pedogenic processes, e.g., migration of materials, the regimes of salt and microbes, may be interpreted in an analogue way.

In the view of the Czechoslovak scientists, the enclosed bibliography contains publications selected through bias. It does not contain renowned and internationally acknowledged scientists and experts from the Hungarian People's Republic, and with this we get the impression that the conclusions of these people may run counter to the ideas put down in the material. It is hard to accustom ourselves to the idea that between October 1989 and May 1989 knowledge was enhanced so much, or the seismic conditions changed, which, according to the Hungarian expert acknowledged in the world, Mr. Réty, had already become stable about 1000 years ago in the Nagymaros area. Our situation was made even more difficult by the fact that none of the publications or the bibliography in the materials of the Hungarian Party is cited in the material, thus the claims presented cannot be confirmed.

In conclusion, with regard to the ecological issues, I mention that the material presented is very general and does not have unambiguously defined issues. Among the ecological functions, it emphasises the biological self-purification of the water, and the links of the bottom of the riverbed with the provision for the drinking water supply and nature conservation. A further weak point of the material is that it does not perfectly separate the subject of providing expert judgement (not implementing Nagymaros) from the other problems, while it also mentions the issues of the Gabčíkovo Barrage. This does not make possible the concrete and unambiguous evaluation of the problems in question. The material is written in the conditional manner and does not contain conclusions or a starting-point from the given situation. It does not contain the additional important functions of the Gabčíkovo-Nagymaros Barrage System either, e.g. the functions of flood control, shipping, energy and society.

The assumptions mentioned on three or four pages are generally known and have been written up in the Biological Plan of the SAS. Resolving them is made a subject of the joint goal plan of the SAS and the HAS. In our opinion, this is a scientific argument at the same time for the construction of sewage treatment plants along the river and its tributaries - included also in the BIOPROJECT and taken into account in the engineering design of the facility as well. Furthermore, the issues of siltation in the Reservoir presented in the material are debatable; the Czechoslovak Party takes into account such an eventuality in the engineering design and recommended the necessary measures and solutions.

With respect to the living organisms and the fear of their extinction, based on the ongoing research and several years of experience, the species composition will become richer following the construction of the Barrages. In order to protect the valuable plant and animal species, we recommended a system of biocenters and biocorridors that may be established on the Hungarian side as well. These surfaces will serve as cores for regenerating the biotypes disturbed or eliminated by the construction. None of the conservation areas of the Slovak Socialist Republic is affected by the construction of the Barrage System and only two will be located in the area between the power canal and the old riverbed of the Danube. This will be the planned conservation area.

We do know that with the present construction the environment has been disturbed, but this area cannot be restored to its original state by stopping the construction of the Nagymaros Barrage. On the contrary, it can be assumed that from the aspect of ecology, the conditions will keep deteriorating without ecological impacts.

The original construction conception valid to date took into account the Barrage System in the form of two interconnected Barrages. According to this interpretation, the ecological measures designed for the Hungarian side would be taken in order to eliminate the negative impacts of the peak-operation of the

Gabcikovo Barrage. The impact of the Barrage on fish production (10 pages) is known and is currently being studied within the framework of co-operation among engineers, ecologists and ichthyologists. The adopted designs do not only assume the preservation of the species composition, but on the contrary, the improvement of the present situation and yields.

The remarks put down in the Hungarian material are known and were made the subject of the BIOPROJECT as well as the goal plan being jointly studied by the SAS and the HAS. Our experts may respond to the cited remarks. Just to add to the enclosed bibliography, it represents only a small part of the work done. To mention an example, the zoological bibliography of Csallóköz has 1979 citations. If necessary, our position may be extended and supported by documents.

Finally, some words on the issues of energy, which is touched upon only partially by the material in question.

The material has to be corrected which claims that the Hungarian share covers only 3 % from the energy generated by the Gabcikovo-Nagymaros Barrage System. In our view, this is 5 % of the demand of the Hungarian People's Republic (in 1987: 36,186 GWh).

Similarly, the hydropotential of the affected reach of the Danube is negligible for Czechoslovakia. The Czechoslovak share from the power generated annually by the Gabcikovo-Nagymaros Barrage System is 1881 GWh. It represents 95 % of the primary power generation of the cascade on the Vág River annually, and with the 20 barrages built over 53 years, it represents one quarter of the primary hydropotential of the Slovak Socialist Republic.

The claim that the energy generated in a hydroelectric power station is the most expensive and the least reliable is totally wrong. The kWh generated in hydroelectric power stations is the cheapest because of the low operation costs. Furthermore, due to its dynamic capacities (the regulation of the output frequency, reserves for accidents), it increases the reliability and the economic efficiency of the whole and the linked energy system.

The "reactor accident" that was mentioned took place on 22 February 1977. The International Atomic Energy Agency (IAEA) in Vienna was informed as to what happened on the JA A-1 on 22 February 1977. This information was given by the Czechoslovak Atomic Energy Board. Subsequently, we also provided detailed information in Vienna. A prototype nuclear power plant was involved with a heavy, gas-cooled reactor having an output of 150 mW. No such kind of nuclear power plants are or have been built in Czechoslovakia, therefore, what took place in it does not have any effect on and is not connected to the nuclear power plants.

We provided the information on energy only because in the fourth Working Group, according to our agreement, economic issues will also be dealt with, without which the problems cannot be resolved and the final committee cannot have negotiations.

Ing. Vladimír Lokvenc
Plenipotentiary of the Czech and Slovak Federal Republic
and the Slovak Socialist Republic for the construction
and operation of the Gabcikovo-
Nagymaros Barrage System

Annex 168

NOTE OF THE SLOVAK ENVIRONMENTAL COMMITTEE, 25 JUNE 1991

Slovenska Komisia Pre Zivotné
Prostredie
(Slovak Environmental Protection Committee)
Hlboká 2, 812 35 Bratislava
Vodohospodarska vystavba
štátny podnik

Nom. SNP 13

Bratislava 25 June 1991

Bratislava Ref. No.: 356/91-OSS II.

SUBJECT: The provisional solution for putting the Gabčíkovo Barrage into operation in the territory of the Czech and Slovak Republics. Declaration based on sec. 14 of the statute on waters.

Vodohospodarska vystavba sp Bratislava submitted to the Slovak Environmental Protection Committee on 29 March 1991 proposal no. 1912-730/1991 for the project entitled "The provisional solution for putting the Gabčíkovo Barrage into operation in the territory of the Czech and Slovak Republics", order number: 156 752-12-10116, archive number: 26173, including "The complete solution for flood protection" project, order number: 156 752-51-00699, archive number: 25872 and in reference to these requested the declaration in accordance with sec. 14 of the Law on Waters, no. 138/1973. The proposal submitted was successively supplemented on the basis of the requirements specified by the investor. The economic assessment of the project was submitted on 17 June 1991.

Three versions for the completion of the project were presented in the proposal concerning the provisional solution for putting the Gabčíkovo Barrage into operation. The first and second versions are identical in concept, the departure lies only in the placement of the weir projects and in the fact that the construction is to be completed in two phases. The third version calls for the entire construction to be completed in one phase.

The conceptual solution originates from the circumstances presented by the projects completed during the construction of the Gabčíkovo-Nagymaros Barrage system. The construction of the new projects is proposed to be carried out in connection with these already completed projects and the new projects should be planned exclusively in the territory of the Czech and Slovak Republics. The section closing the Danube river-bed is planned at 1,851.750 river kilometres (hereinafter rkm). This closing section shall be joined to the right dyke of the reservoir on the Danube's left bank which will be directed downstream along the bank of the Danube to the connecting dyke in the Hrusov territory. The other main projects are the navigational passage, the weir with the auxiliary navigation lock and hydroelectric power plant, the dyke with overflow weir, projects for the extraction of water at Mosoni-Duna connected with the hydroelectric power plant, right reservoir dyke on the right bank of the Danube, and access roads, bridges and arrangements in the reservoir at the end of the weir .

The Slovak Environmental Protection Committee in their letter dated 3 April 1991 no. 356/1991-OSS II. requested the Provide Dunaja sp Bratislava company to state its position regarding the planned solution from the perspective of regional water management planning. As the company did not comply with the procedure as outlined in the MLVH SSR (Ministry of Forestry and Water Management) decree no. 5423/240-490/1978 in drafting its position, the Slovak Environmental Protection Committee requested an addendum from an SVP perspective from the Bratislava Research Institute of Water Management. The Institute sent its expertise to the Slovak Environmental Protection Committee on 31 May 1991 and then sent the addendum in a letter dated 19 June 1991. The submitted documentation was made subject to government commentary. The Economic Ministry of the Slovak Republic, in the minutes no. 7466/440/1991 dated 14 May 1991 regarding the completion of the government commentary, consented

to the preparation of the construction plan in accordance with the terms set down in the government commentary.

Both the governments of the Czech and the Slovak Republics have studied the problem of the completion of the Gabčíkovo Barrage construction. Provisions were approved at the 35th session of the government of the Slovak Republic held on 19 January 1991 at which the alternative solution on the Czech-Slovak part of the Gabčíkovo Barrage was studied. The intention of these provisions was to create possible projects for the possible implementation of the "C" version. The Forestry and Water Management Minister was instructed by the government of the Slovak Republic in its resolution no. 237 dated 21 May 1991 to provide the investment and implementation conditions necessary for the provisional solution for putting the Gabčíkovo Barrage into operation, without the Hungarian partner's participation or consent.

The international legal aspects of the project entitled "The provisional solution for putting the Gabčíkovo Barrage into operation in the territory of the Czech and Slovak Republics" were assessed by an expert panel. The international legal experts came to the conclusion as stated in their report of 3 June 1991 that the provisional solution for the conservation of the collectively constructed project as well as for the reduction of damages did not constitute a breach of the 1977 Interstate Treaty, nor of customary international law. The putting into operation of the Gabčíkovo Barrage by the provisional solution in the territory of the Czech and Slovak Republics complies with the legal obligations emanating from the Trianon Treaty as well as those from the Paris Peace Treaty. The construction of the projects does not affect the material and local effect of the 1976 agreement concerning the issues of border waters and water management. As the construction will be carried out only on Czech-Slovak territory, neither the consent of the Hungarian partner nor the participation of Hungarian water management authorities are necessary in the process of granting water rights authorisation.

The Slovak Environmental Protection Committee studied the proposal entitled "The provisional solution for putting the Gabčíkovo Barrage into operation in the territory of the Czech and Slovak Republics" as well as its amendments and correspondingly assessed the proposed solution from the comprehensive water management perspective. The Committee dealt separately with the possibilities for utilisation of the water supplies of the Csallóköz from the perspective of the functioning of the ecological system and the danger to the genetic base taking into consideration environmental protection requirements.

The Slovak Environmental Protection Committee assessed the submitted documentation in view of the fact that the Danube's hydrology has a significant effect on the water quality of the Zitny Ostrov. This fact also applies to the groundwater system of the given area without the existence of the Gabčíkovo Barrage. This can be documented by the example of the pollution of the water extraction sites in 1975 when high water levels were constant on the Danube. It was at this time that the micro biological pollution at Kalinkovo-Hamuliakovo waterworks was detected. It may be deduced from the above mentioned that at certain water levels of the Danube (increased hydraulic gradients) the level of groundwater is significantly changing, which might cause possible danger to, and pollution of the groundwaters. As a similar situation (altered hydraulic conditions) may occur in the aforementioned area, it will be necessary to document the self-cleaning processes and mechanism following the putting into operation of the barrage or where groundwater continuously increases for the purposes of extracting drinking water (17.8 m³/s-1 approved by KKZ), as well as their capacity during surface water infiltration in the territory of the bank and riverside. In order to fulfil this condition a water rights authorisation will be required, among other requirements, for the construction of the projects which will predetermine the ultimate solution.

The partial results of the scientific research must be made available before the end of June 1991, the purpose of which was to gauge the effect of the construction and operation of the barrage on the natural environment. The comprehensive evaluation of these findings will be available by approximately the end of October 1991. The general contractor must include these results in the draft documentation.

Thus, in accordance with the agreement accepted at the negotiations held at the office of the Prime Minister of the Slovak Republic on 23 May 1991, the implementation of the projects may commence between July and October of 1991, the construction of which will not cause ecological risks and does not presuppose the ultimate solution for the construction. Should the research findings not prove satisfactory for the ruling of the Slovak Environmental Protection Committee, or should the completion of implementation of necessary intervention not be in accord with putting the Gabčíkovo Barrage into operation, then the relevant authorities will not grant permits for further construction.

Based on the guidelines no. 5423/1978 set down on 17 July 1978 by the Slovak Forestry and Water Management Ministry, the Slovak Environmental Protection Committee received the stated position of Povodie Dunaja sp Bratislava as well as that of VUVH Bratislava which, due to their significance, were taken into consideration by the Slovak Environmental Committee in its assessment of the documentation submitted for the purposes of declaration in accordance with sec. 14 of the Statute on Waters, no. 138/1973.

The position of the VUVH states that water quality research was not carried out for the provisional solution of the Gabčíkovo Barrage. In the period between 1989-1991 studies were gathered regarding the impact of the reservoir in accordance with the "A" and "B" versions. According to these findings the constant inundation of the flood plain and of a segment of the branches would simultaneously increase the concentration of specific organic and non-organic materials in the Danube waters and it is probable that these concentrations would infiltrate into the water extraction sites as well. Advanced molecular organic materials would in various degrees be absorbed into pure materials which would then sink to the bottom of the reservoir. The identification of these materials corresponds with the results of the analyses of the Danube water.

From the results of the analytical chemical samples taken from the sediment of the Danube and from the branch system in the reservoir territory and its sediment, the VUVH confirmed the existence of organic micro pollutants, among them polychlorinated biphenyl polycyclic aromatic carbon dioxides, chlorinated pesticides, chlorinated benzines, dichloride benzines and hexachloride benzines. The aforementioned elements accumulate in the sedimentary materials and in the process of infiltration, in varying degrees, impact on the quality of the groundwater. It is for this reason that it is necessary to take account of these findings in the water management proposal.

On the basis of all the deciding factors as well as on the assessment of the expert opinion, prepared according to the requirements of the area's water management plan, the Slovak Environmental Protection Committee as the relevant central water management authority, is hereby publishing a declaration based on sec. 14 of the Law on Waters, no. 138/1973 regarding the project for "The provisional solution for putting the Gabčíkovo Barrage into operation in the territory of the Czech and Slovak Republics."

The proposed technical solution may be carried out from the perspective of the statute on protected waters and of wider interests protected by special regulations on environmental issues. This implementation does not affect compliance with international obligations provided that certain specified conditions are fulfilled.

The following are the liabilities prescribed for the investor, Vodohospodarska vystavba sp Bratislava, in correspondence with sec. 14 of the Law on Waters:

1. To document the self cleaning processes and mechanisms as well as their capacity in the course of the infiltration of the surface waters into the territory of the shore and the area by the riverbank.
2. To document the pollution of the soil and of the groundwater of the branch system in the upper segment of Zitny Ostrov, both horizontally and vertically, to specify the composition and character of the pollutants, how they are transported in the groundwater in the present hydraulic conditions and as a result of increased pressure caused by distension.

3. To evaluate and document the impact of the provisional solution of the Gabčíkovo Barrage on the groundwater system, from the viewpoint of the utilisation of the present and prospective water extraction sites for the public drinking water supply, as well as considering the transfer of the shipping route and the corresponding passage construction which would bring it closer to the water extraction sites in use.
4. To draft the prognosis for the upgrade of the quality of the groundwater which is used for the public drinking water supply and on the basis of these results to propose a water management technology. The planned schedule of the construction of the water projects must correspond with putting the Gabčíkovo Barrage into operation. With reference to this the results of the international draft plan, co-ordinated by Dr. Mucha in the framework of the PHARE I programme, shall be utilised.
5. In the aftermath of the alteration of the reservoir's configuration as well as with the change in the quantity of water infiltrating from the reservoir into the surrounding territory the funding terms for the water extraction sites will change. It is to be presumed that the provisional solution will limit the possibilities for water extraction, especially from the area being prepared for the Dobrohošť waterworks. The impact of the provisional solution on the groundwater quantity must be proven with the assistance of suitable model experiments.
6. The reservoir in the provisional solution will have a smaller holding effect on the transported sediment and speeds will increase. In view of the process of siltation of the reservoir bed and the groundwater infiltration in the area of the reservoir, it will be necessary, with the assistance of mathematic model calculation, to determine the side effect of the modified reservoir. Correspondingly it is necessary to assess the reduction possibilities of the reservoir's accumulation area in the territory of the Samorin water extraction project.
7. Accelerated siltation of the reservoir bed is to be expected in the aftermath of the increased hydraulic gradients, particularly on the reservoir's right side. The intensity of this process depends on the water levels of both the reservoir and of the Danube. It is for this reason that provisions must be recommended in the proposal to paralyse the siltation process in the reservoir region and in the region of the insulated head-race canal.
8. The effect of the old river-bed on the groundwater system on both banks of the Danube shall be assessed following the closure of the Danube river-bed which will occur at a level 11 km higher (Čunovo) than the original (Dunakiliti) section. Within the framework of the assessment whether or not the drain effect of the Danube's old river-bed is effective must also be reviewed.
9. The provisional solution would cause a deformation in the river-bed at the tail-race canal at Palkovicovo during the discharge into the Danube's old river-bed. The Danube sediment will settle at the end of the weir at the Bratislava section and the surface agents will settle in the reservoir of the hydroelectric power plant; thus the water below Palkovicovo will become saturated with sediment (the bottom will thicken). Thus it is necessary to solve the settlement and navigation of the Danube from Palkovicovo to the Ipoly estuary and particularly in conjunction with the neutralisation of intensive erosion between the Palkovicovo-Moson-Danube estuary. In relation to this the draft proposal submitted by Ing. Bartolcic which the Slovak Environmental Committee reported to the Forestry and Water Management Ministry in its letter of 28 March 1991 no. 246/91-00BV shall be applied.
10. The deposition of sediment extracted from the reservoir shall be ensured in ordinary depots provided with a supervisory system outside Zitny Ostrov natural water reserve territory, which storage areas should satisfy the resolution passed by the Slovak Republic's Forestry and Water Management Ministry no. 23/1977 concerning the protection of surface and groundwater quality.
11. Bi-lateral linkage of the branch system to the Danube must be ensured, as well as the arrangement of the branches at the sections of the river i.e. the removal of the original river dykes from Dobrohošť to Palkovicovo.

With the construction of disproportionately large volume cross-causeways, the road on the flood plain and on the crown embankment as well as with the formation of underwater weirs (the so-called cassettes), the cross-flow capability of the branches will be disturbed and an unnatural fluctuation of the surface and groundwater levels will occur with the creation of isolated stagnant water territories the oxygen maintenance and nutrient content of which does not meet the requirements of the forest ecosystems. Thus an unwanted inundation of the forest flood plain would occur which would lead to complete and fundamental change. With the construction of cross lock systems the difference between the actual and the required quantity of water will increase, necessary for the branch system's transmittal capability.

Correspondingly a solution shall be submitted to the Slovak Environmental Protection Committee to prepare the flood plain at the section of the power canal in such a way that the branch system, including the simulated floods, will be replenished from the old Danube river-bed. The periodical replenishment of the area with the river water along individual inundation sections would last from 5 to 7 days, however not to exceed 14 days, corresponding to the present Danube system and taking into consideration the natural level fluctuation during certain seasons, primarily in the months of May and June, followed by August and September.

12. The draft plan must guarantee the construction of permanent projects to prevent shipping damage which together with mobile equipment to prevent damage to the water quality of the Danube, especially damage resulting from fossil fuels.

13. The Moson-Dunube water supply must be ensured based on the water scale outlined in the Agreement of 1947 between Czechoslovakia and Hungary and on the basis of the Paris Peace Treaty.

14. In view of the fact that the construction will not take place in the protected Danube river-bed, the investor proposes that the work be carried out during a time period which is advantageous from a hydrology standpoint. However, proposals shall still be submitted which would address the prevention or limiting of damage which would be caused by the Danube's increased water output during the course of the work. The proposal must be submitted for water rights authorisation.

15. Considering the reservoir's decreased territory and the affected area's dyke alignment, the draining of the flood water output and ice must be assessed as well as complete flood protection during construction and during the process of implementing the provisional solution of the Gabčíkovo Barrage.

16. Critical continuous survey projects shall be guaranteed in addition to the registration of level and water output at all the primary projects of the Gabčíkovo Barrage and in the old Danube river-bed in order to survey the circumstances of outflow in the affected territories.

17. The small section of protected territory must be considered within the framework of the preparation of the draft plan documentation entitled "The summary of flood protection provisions", including the planned "Istragov" national reserve, the "Ostrov orliaka morkého" national reserve as well as protected natural formations ("Kráľovská lúka") and the poplars along the forest ranger's lodge. To this purpose contact shall be maintained with the office of the USOP Komárno.

18. To maintain the present state of the vegetation of the flood plain region it is necessary to secure an approximate 1300-1500 m³/sec. water flow in the old Danube riverbed during the growing season especially March and September. It will be further absolutely necessary to guarantee such a constant water flow in the old river-bed which would make possible groundwater level contact with the soil horizon and which would prevent the separation of the groundwater level from the soil horizon as well as the occurrence of the drain effect of the old riverbed at lower levels. It must be assessed whether or not the planned minimum water flow, 600m³/s satisfies the above listed conditions. The old river-bed water flows, which satisfy the above mentioned conditions, must be guaranteed during the period of construction as well as in the winter and growing seasons (III-IX). In view of the unsatisfactory data concerning the thickness of the top level and the biotic sterile pebbles, in order for the optimal water flow in the growing season to be determined and for the groundwater dynamics to be maintained, it is

absolutely necessary to work out the prognosis for the old river-bed level in connection with the relevant levels of the groundwater at the 1300-1500m³/s water flow rate.

19. The guarantee of flood protection provisions shall be secured in the area of the right drainage canal (Bodiky) to 0.1% of the Danube's water output.

The Slovak Environmental Protection upholds the right to modify its declaration in accordance with sec. 14 of the Statute on Waters should new factors occur or should research findings become available which would have significant effects on the conditions based upon which this declaration was published.

This declaration according to sec. 14 of the statute on waters does not constitute a permit for the construction of a water management project nor does it constitute the substitution of such a permit. The declaration of the water management authority, which is required to define the terms regarding implementation of a water management project, is not a ruling according to the prescriptions of the directorial procedure and it is not subject to appeal.

JUDr. Imrich Debnár
Director II. of Public Administration

- cc:
1. MLVH SR
 2. District Environmental Protection Authority - Bratislava region
 3. Povodie Dunaja sp Bratislava
 4. VUVH

FEDERAL PARLIAMENT RESOLUTION NO. 200, 3 OCTOBER 1991

A proposal of the Environmental Committees' of the People's and National Chamber.

The People's and National Chamber of the Federal Parliament on the 17th session held on 3 October 1991 discussed the present stage of the building of the Gabčíkovo- Nagymaros Barrage and the notification of the Environmental Committee's session. The People's and National Chamber of the Federal Parliament accepted the following resolution:

The Federal Parliament

1. Acknowledges the notification regarding the present stage of the building of the Gabčíkovo- Nagymaros Hydroelectric Plant and the negotiation of the Environmental Committee.
2. Approves the position of the Government of the Czech and Slovak Federal Republic with regard to the building of the Gabčíkovo- Nagymaros Hydroelectric Power Plant (resolution no. 383 and 484 of the Government of the Czech and Slovak Federal Republic).
3. Requests that the Government of the Czech and Slovak Federal Republic,
 - a. during the course of negotiations with the Hungarian party as the other contracting party regarding the professional problems in connection with the building of the Gabčíkovo- Nagymaros Hydroelectric System, make use of the resolutions which were ratified as a result of the negotiations of the three committees of the Hungarian Parliament subsequent to the visit by Vavrousek, the Environmental Minister, and with which the Parliament of the Hungarian Republic furnishes the Government of the Hungarian Republic.
 - b. achieve an unequivocal position with regard to the continuation of doubts about the quality of the building work of the Gabčíkovo- Nagymaros Hydroelectric System.
 - c. entrust the Federal Supervision Ministry in cooperation with the Supervision Ministry of the Slovak Republic to supervise the use of the federal budget funds for the building of the Gabčíkovo- Nagymaros Hydroelectric System in 1991 and on the utilization of them in connection with the new variations related to building.
 - d. initiate the establishment of a professional committee in cooperation with the Government of the Slovak Republic which will assess the ecological, economic, social and the international legal consequences occasioned by the completion of the Gabčíkovo- Nagymaros Hydroelectric System and assume a position on the ownership and compensation claims of the owners of the territories reserved for the purpose of building.
 - e. work out the financial effects of different variations in connection with the building of the Gabčíkovo- Nagymaros Hydroelectric System which during the negotiations will be offered to the other contracting party, the Hungarian Republic, and prepare from the Federal and Slovak budget the schedule of funds to be offered from other possible sources.
 - f. nominate one member from the Federal Government who will, continuously notify, in a detailed manner, the Peoples and National Chamber of the Federal Parliament once a month and both chambers of the Federal Parliament every six months about the building of the Gabčíkovo- Nagymaros Hydroelectric System.
 - g. subsequent to the assessment of ecological, economic, social and the international legal effects cooperate in the selection of building variations which are acceptable for both contracting Parties from an ecology and economic point of view.

h. complete the continuous formulation of requirements enumerated in a) and g) by 31 March 1992 and, by 30 April 1992, on the basis of the examination results of the professional teams bring about an unequivocal decision on the completion of the most suitable variations in terms of ecology and economics.

4. Emphasizes its readiness to continue the negotiations with the Parliament of the Hungarian Republic on the Gabčíkovo- Nagymaros Hydroelectric System.

As certification of the publication

J. Zlocha The Speaker of the Federal Parliament

SLOVAK NATIONAL COUNCIL, RESOLUTION NO. 246, 31 JANUARY 1992

**Regarding the
Report on the Present Situation of the Gabčíkovo-Nagymaros Barrage System
and the Procedure to be Followed by the Slovak Republic
With Consideration for the Ecological Questions**

The Slovak National Council

A) Takes note of the

Report considering the solution to the present situation regarding the construction of the Gabčíkovo-Nagymaros Barrage System and the procedures followed by the Government of the Slovak Republic, with consideration for the ecological questions, with the following note:

a) the report views the possibility to eliminate the negative effect on the natural and life environment with exaggerated optimism, while the study regarding the environmental impact of Variant "C" has not yet been worked out to this very day,

b) in the calculation of damages, they do not provide properly proven figures on the full potential energy production, and give no consideration either to the claim by the Hungarian Party for a part of the energy production or any consideration for the adequate water flow quantity required by the eco-system, and additionally makes its calculation at peak energy production levels, which is unrealistic.

B) appreciates

all efforts which will lead to the closing of the Czechoslovak and Hungarian positions regarding the future of the Gabčíkovo-Nagymaros Barrage System ;

C) determines that

the actions of the Government of the Slovak Republic during negotiations are in accordance with the International Treaty, but that all possibilities and opportunities during negotiations with the Hungarian party have not been exhausted, and that a joint solution would be incomparably better than efforts towards a unilateral solution.

The Slovak Government did not properly use the proposal made by the Environmental Protection Committee of the National Council, number 4.116, dated 22 March 1991, especially as regards the evaluation and judgment of the final decision, or the proposal made by the Committee during the first quarter of 1990 and the proposal made by committees no.1-5, working as a committee evaluating the conclusions of a panel of independent experts during the second half of 1990.

D) requests the Government of the Slovak Republic to

1. deal urgently with the alternative solution to the Hrusov reservoir (by no later than 29 February 1992), on the basis of the study entitled "Study on the effect of the narrowed Hrusov Reservoir on the Natural Environment" which the collective of the Water Management Research Institute prepared (Szerzod community, led by Engineer Szolgay in 1991-92).

2. work out a comparison of financial costs between the provisional solution proposed to date and the narrowed alternative solution to the Hrusov Reservoir, with regard for the economic, social, environmental effects and international law considerations of both variants and to make specific the financial background for the completion of the Gabčíkovo plant, including incidental investments,

3. in cooperation with the Hungarian Party, create a committee including independent experts from the EC which would evaluate the environmental, economic, social and international law standpoints of the provisional solution proposed, and the narrowed reservoir variant.

4. guarantee during the course of the "C" variant, that only such works shall be undertaken on the power plant which would not obstruct the completion of the Hrusov Reservoir on the basis of the above study, in the event that the Hungarian Party accepts the alternative solution to the Hrusov Reservoir.
5. re-examine the plans for sewage water purifiers at Bratislava, with special attention to Ligetfalva (Petrzalka) and the areas affected by the barrage whose sewage flows directly into the Danube and make the commencement of operations of the Gabčíkovo hydroelectric power plant contingent upon the completion of the construction of the purifiers.
6. to give a written report to the Slovak National Council by 30 March 1992 regarding the state of readiness of the investor to satisfy the 19 conditions for financial and technical guarantees contained within letter No. 354/91-oss II dated 5 July 1991 of the Slovak National Council's Environmental and Natural Protection Committee,

E) request the Presidium of the Slovak National Council to

propose to the Hungarian Party that a meeting between Parliamentary delegations should take place, the purpose of which meeting would be to discuss the Gabčíkovo Nagymaros Barrage System and inform the Plenum of the Slovak National Council by 30 April 1991 of the results of the negotiations with the Hungarian Party. The Slovak Government will submit the materials necessary for the meetings of the Parliamentary delegations.

Frantisek Miklosko
Vice-Chairman
Of the Slovak National Council

DECLARATION OF THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC TO THE PARLIAMENTS AND TO THE NATIONS OF THE WORLD, 1 JANUARY 1993

The Slovak Republic from 1 January 1993 as one of the successor states of the Czech and Slovak Federal Republic becomes an independent, sovereign and separate state.

The Slovak Republic as an independent, fully authorised member of the international community of states regulates itself in its domestic and foreign policies to the same values such as respecting human rights and basic liberties without reservation, to the principles of plural democracy and to the rule of law, the achievement of which is a basis for freedom, justice and peace in a similar way to the democratic countries.

The Government of the Slovak Republic adjusts itself to the regulations of international law and to the aims and principles which are laid down in the UN Charter and in the final act of the Helsinki Process and in related documents such as the Paris Charter.

The Slovak Republic as the successor of the founding member of the UN, reveals its willingness and readiness to be a regular member of this universal, international organisation. The Slovak Republic confirms the obligations toward the UN the bearer of which obligation was the Czech and Slovak Federal Republic before 31 December, 1992. It declares its decision to fully and efficiently join in the activity of the professional organisations of the UN in order to contribute to the accomplishment of its aims and principles, to strengthen peace and security and to the fulfilment of every duty of the UN.

The Slovak Republic will assist with the development of co-operation in Europe with the aim of the establishment of an effective, all-European security system and it will contribute to the development of the process of European integration.

It is in the interest of the Slovak Republic to become a Member of the Council of Europe, the Convention for the protection of Human Rights and Freedoms, and the supplementary documents, and to follow the Czech and Slovak Federal Republic in its respect of the right of individuals to lay a complaint before the European Commission or the European Court of Human Rights. The Government of the Slovak Republic consistently fulfils the obligation which were undertaken in the fields of disarmament, non-proliferation and the reduction of military forces and military stores to the level required for defence, and makes efforts to strengthen trust and stability on the basis of multi-lateral and bilateral relations.

The Slovak Republic in harmony with its undertakings towards, international norms and the security of the Central European States will observe the rights of national minorities and ethnic groups.

The Slovak Republic will establish the political, economic, legislative and contractual conditions for the gradual affiliation in the European economic, political and defence organisations and for future membership. It confirms the obligations which were undertaken by the Czech and Slovak Federal Republic in order to join in the Council of Europe, and confirms that its rapid implementation is in its interest.

The Slovak Republic will make efforts to join in international commercial relations, in the world economy, and to obtain membership in the organisations of GATT, in the International Monetary Fund, in the European Bank of Development and to further co-operate with them.

In accordance with the valid basic principles of International Law, to the extent of its share, the Slovak Republic as a successor state from 1 January, 1993, namely since the date of the separation of the Czech and Slovak Federation considers itself bound by the bilateral or multilateral treaties where, until this time, one of the parties was the Czech and Slovak Federal Republic.

On the basis of the authorised constitutional law and on the Treaty between the Slovak Republic and the Czech Republic on the Division of Federal Property, the Slovak Republic undertakes the financial

responsibilities of the Czech and Slovak Federal Republic assigned to it towards third countries and international organizations.

The Slovak Republic will attempt to settle the issues of legal succession with the Czech Republic by a joint agreement.

The Slovak Republic is prepared to establish and develop diplomatic relations on the basis of the rules of independent equality, non-intervention in domestic policy, territorial and political sovereignty and the inviolability of borders.

The Slovak Republic pays special attention to its relations with the Czech Republic. It is making efforts to establish such peaceful co-operation and co-ordination of relations which will ensure the connection of the two countries and which are designed for the good of the citizens.

The national Council of the Slovak Republic turn to the parliaments and the nations of the World in the hope that they will support the joining of the Slovak Republic in the international community as an equal partner and that they will contribute to the establishment of all conditions so that the Slovak Republic will be able to fulfil its aims and undertakings to their full extent.

Annex 172

INFORMATION RELEASE OF THE SLOVAK ENVIRONMENTAL COMMITTEE ON THE STATUTE OF WATERS,
BRATISLAVA, MARCH 1993

based on sec. 14 of the Statute on Waters and concerning the fulfilment of the terms outlined in the Declaration issued by the Slovak Environmental Committee concerning "The provisional solution for putting the Gabčíkovo Barrage into operation in the territory of the Czech and Slovak Republics"

The Slovak Environmental Committee studied the application for construction from a comprehensive and an environmental protection standpoint in its declaration issued on 25 June 1991, no. 356/91.-OSS II. based on sec. 14 of the Law on Waters, in which 19 terms were outlined for the Gabčíkovo Barrage investor concerning the implementation of the project.

The requirements for the protection of the quality and quantity of the groundwater were listed in the outlined terms in addition to further water management uses (paragraphs 1-8 of the terms) as well as environmental protection requirements concerning the existence of the ecosystem and genetic basis (paragraphs 11, 13, 17 and 18).

Paragraphs 14, 15, 16 and 19 list the various terms concerning flood protection during the construction and operation of the Gabčíkovo Barrage. Paragraph 9 deals with a proposed technical solution for the navigation of the Danube below Palkovicovo and paragraph 10 outlines the guarantee of the displacement of the sedimentary materials produced from the reservoir.

In view of the significance of the protected water management area of Zitny Ostrov, and the natural resources of the Danube riverbank, special consideration was given to the protection of the natural resources and the groundwaters while appraising the construction and during continual supervision of the situation of the fulfilment of the terms.

The Situation of the Fulfilment of Terms 1-8 of the Slovak Environmental Protection Committee Declaration based on sec. 14 of the Law on Waters

Eight terms were established to protect the quality and quantity of Zitny Ostrov groundwater, the usable reserve of which is 17.8 m³/s. Several of the requirements focus on obtaining data on the wetland as well as on the process of development and chemical composition of the groundwater supply. The further terms required the preparation of a prognosis for changes in the system in reference to the quantity and quality of the groundwaters corresponding to the draft of recommended provisions to eliminate the negative consequences resulting from the operation of the Gabčíkovo Barrage and for the utilisation and outlook of the Zitny Ostrov water supply.

The investor verified the fulfilment of each term with research reports issued up to this point in time, in which primarily the VUVH, in addition to the "Groundwater" consultation panel of the Faculty of Natural Sciences of Komensk University, participated. The summary of these findings are outlined in the table included. A brief description of the findings as well as the state of the fulfilment of individual terms are evaluated as follows:

Term No. 1:

The purpose of this fundamental condition was to report on the existing self-cleaning process and to define its mechanism during infiltration from the reservoir. The resolution to this condition was studied by several research projects. Dr. Mucha studied the problem at a theoretical level, the further studies concerned the description of the self-cleaning processes taking place in the system without the Gabčíkovo Passage, devoid of impact. The purpose was to re-evaluate the change in the groundwater's chemical composition, dependent on the hydrological circumstances, which was caused by the August 1991 flood. At the same time primary emphasis was placed on the assessment of the water quality. The final studies addressing the given problem were submitted in September of this year. In order to satisfy this term Dr. Mucha's report should be revised, and the irregular formula for the final assessment of the processes

under supervision, as well as the appraisal of the measurement of the flood state of the Danube should be elaborated. These terms will be satisfied by the year's end.

Term No. 2:

This term concerns the documentation of the pollution of the ground surface in addition to the assessment of the quantity of the pollutants impacting on the groundwaters. The problem was resolved in three research projects which dealt with the determination of the composition of the pollutants in the territory of the branch system, in the area providing water for the Kalinkovo-Samorini water extraction sites and in the sediment of the Danube. A comprehensive study was drafted in conjunction with the land survey results which studied the assessment of the transportation possibilities of the defined pollutants into the groundwaters and the subsequent impact on the quality of the water. The conclusions of the study show that the presence of the pollutants is indigenous and the precondition is absent for the pollutants to have an impact on the groundwaters in either extreme degrees or in degrees exceeding limits. All of the studies were examined, the conclusions were reviewed by the examiners and the examination board and thus this term may be considered satisfied.

Terms No. 3 and No. 5:

The requirements outlined in these paragraphs are directly related to each other which is why the questions regarding the change in the groundwater system were addressed jointly along with the re-evaluation of the Zitny Ostrov water supplies in use. The problem was resolved within the framework of two research projects. A report dated June of 1991 was prepared concerning the terms for putting the Gabcikovo Barrage into operation, however this was prepared for the Hrusov-Dunakiliti version (the "B" version). In addition to drafting the prognosis for the Zitny Ostrov water levels, the studies pointed to a decrease in the usable groundwater supply caused by the deepening of the river-bed and of the water level in the Danube and surrounding territory, which made uncertain the usable supplies approved by the groundwater supply classification committee to the amount of 17.8 m³/s. In the October 1992 study the groundwater level isometrics were worked out according to the terms of the provisional solution version. The temporal prognosis for the changes of levels was also prepared dependent on the reservoir's siltation processes. These preconditions demonstrate that approximately 8 years following the operation of the Gabcikovo Barrage infiltration would decrease to about half of the original value and for maintenance of the present rate of water extraction effective provisions must be approved for an increase in the supply of water.

In order to satisfy terms No. 3 and No. 5 the usable supplies of Zitny Ostrov should be re-evaluated for the Gabcikovo Barrage operation with the proposal for the location of the water extraction sites which were not provided within the framework of the listed obligations. This obligation shall be fulfilled by 1993. Further theoretical proposals need to be drafted concerning the elimination of the negative impact of the reservoir's siltation on the quantity of the groundwater. These will be submitted by the year's end along with the draft schedule for the resolution of the assignment for the fulfilment of the above mentioned terms.

Term No. 4

This critical term of the declaration of the Slovak Environmental Protection Committee addresses the draft of the prognosis for the change in the groundwater quality at the present and prospective water extraction sites. Within the framework of the research project, prognoses on the change in water quality were drafted first for the "B" version (June 1991) and later for the provisional solution version (November 1991) in correspondence with the assignment for the optimization of the operation of the Gabcikovo Barrage. In addition, with the implementation of the provisions for the modification of the structure of the reservoir (diversion dyke, the settlement of the areas providing the water supply of the water extraction sites), the prognosis was prepared for the change in water quality at the water extraction sites in use at Rusovce-Ostrovne Lucky, Kalinkovo and Samorini.

In order to satisfy this term the final external review for the assignments to be completed shall be executed, the prognosis for the change in quality at the Gabčíkovo waterworks shall be drafted, and certain contradictory deductions must be avoided in various assignments. In addition the guarantee for the protection of the Rusovce-Ostrovne Lucky and Kalinkovo water extraction sites shall be drafted as well as the schedule of their implementation where the deterioration in the quality of the groundwater is anticipated, particularly in concentrations of iron, manganese and organic materials above the accepted limit (Kalinkovo). The investor gave the end of the year for the completion of these assignments. The prognosis of the change in the groundwater quality at the perspective water extraction sites will be drafted within the framework of the project reassessing the usable supplies of groundwater, which project will be completed in 1993.

Terms No. 6 and No. 7:

These terms address the processes of sediment deposit in the reservoir and the research concerning the manifestations of the siltation. The reports on the submitted research projects were prepared for the "B" version (the Hrusov-Dunakiliti reservoir). The results were reassessed using the standardised elements for the provisional solution version which were ensured within the framework of the task concerning the prognosis of the change in the quality and quantity of the groundwater system. The results obtained are included in these reports.

Terms No. 6 and No. 7 were satisfied.

Term No. 8:

The requirement concerns the assessment of the drainage impact of the old Danube river-bed in the aftermath of the closure of the river-bed at Cunovo as opposed to the originally planned river-bed closure at Dunakiliti. A separate report was not issued regarding the fulfilment of this requirement. The problem was resolved within the framework of the research project concerning the prognosis of the groundwater system.

From the above mentioned it is evident that for the protection of the groundwater the terms outlined in paragraphs No. 1, No. 3, No. 4 and No. 5 were not satisfactorily fulfilled while at the same time the major deficiency was the inadequate guarantee of measures in the case of possible deterioration in the quality of the groundwaters of the water extraction sites in use.

The Slovak Environmental Committee Declaration based on sec. 14 of the Law on Waters regarding the fulfilment of terms No. 11, No. 13, No. 17 and No. 18 from the environmental protection perspective

Terms No. 11 and No. 18:

From an environmental protection perspective the goal of these terms was to maintain the ecosystem and genetic basis of the forested flood plain of the area on the Danube shore which is linked to the hydrological system of the Danube, with the guarantee of regular flooding as well as branch system cross flow, linkage to the Danube's old river-bed and the determination of minimal water output which makes possible the operation of self-regulating processes in this level territory.

Corresponding to the fulfilment of the critical terms outlined in paragraphs No. 11 and No. 18 the investor submitted a separate study entitled "The Assessment of Possibilities to Guarantee Water from the old Danube River-bed to the Flood plain" with a modification of the given assignment which was not approved by the Department for the Protection of Natural Resources of the Slovak Environmental Protection Committee in view of the guarantee of the required mode of solution. At the same time further procedures concerning the solution were established. The investor drafted the physical model of the flood plain branch system of the left side of the Danube in accordance with the fulfilment of the above mentioned terms and prepared a study entitled "The Study of the Branch system and System of Levels of the left side of the Danube on a Physical Model of 1820-1840 rkm". This study was submitted to natural resource and regional protection experts for review. Following the composition of the review

the investor will draft a management sequence concerning the operation of the Gabčíkovo Barrage for the period following March 31, 1993.

It may be established based on the submitted provisional draft management sequence in effect until March 31, 1991 that the terms outlined in paragraph No. 18 were satisfied in part by the fact that a constant minimal water output of 600 m³/s was ensured during the growing season. The investor did not, however, satisfy the requirement that the assignment be completed from the commencement of the filling of the reservoir nor was the prognosis and objectivization of the required water output submitted in accordance with the aforementioned term.

In reference to the above mentioned, terms No. 11 and No. 18 were not completely satisfied and the co-operation with the investor is to be continued in the interest of the completion of the given terms.

Term No. 13:

The provision of the Moson-Danube water supply is proceeding based on the 1948 Agreement between Czechoslovakia and Hungary and on the Paris Peace Treaty. The water extraction into the Mosoni-Danube commenced on 30 October 1992. The outflow of water was provided for by two pipes at the water extraction project. The planned water extraction figure is 25m³/s, at present the agreed upon figure of 20m³/s is being provided. Repairs must be made to correct the damage left in the aftermath of the flood of November 1992.

The term has been satisfied.

Term No. 17:

This term is being satisfied on a continual basis. The publication of the water management decisions and the negotiations for supervision of terms is continuing with the participation and co-operation of the SOP Nyitra Komárno Centre.

The State of the Fulfilment of the Remaining Terms:

Term No. 9:

- to resolve the problem of the Danube's navigation below Palkovicovo. The issue of navigability may be resolved only with the co-operation of the Hungarian partner. A separate study will be prepared addressing the problem of the possible deformation of the Danube river-bed from Palkovicovo to the Ipoly estuary. The study was ordered by the investor from HYCO with a deadline for delivery of 1992/XII.

Term No. 10:

- the problem of deposition of sediment. The task was addressed in the study entitled "The Removal and Deposition of sediment from the Hrusov reservoir at the Provisional Solution in Czech-Slovak Territory". Implementation will become necessary in 2-3 years following the filling of the reservoir. The term has been satisfied.

Term No. 12:

- the guarantee of the projects in the case of a worsening in the quality of the water in the Danube. Povodie Dunaja obtained the necessary machinery (cleaning equipment, ship, container). The term has been satisfied.

Term No. 14:

- the guarantee of flood protection. A "Flood Protection Plan" was prepared for the prevention of damage which would be caused by the increased water level in the projects to be constructed. The plan with application for water rights authorisation was submitted to the Flood Protection Central Authority. The term has been satisfied.

Term No. 15:

- the transport of flood water output and ice. The VUVH addressed this issue in the framework on the "B" version research project. Technical intervention is not necessary for the "C" version, only the management need be modified.

The term has been satisfied.

Term No. 16:

- the guarantee of the measuring of the water flow and levels at the Gabčíkovo Barrage projects. Continual measurement of water levels and outputs was ensured at all critical projects of the Gabčíkovo Barrage, including the water flow measurement to be carried out below the dam at Hamuliakovo, the measurement at the Moson-Danube , at the estuary of the head-race canal as well as at the estuary of the old Danube river-bed.

The term has been satisfied.

Term No. 19:

- the provision of measures for flood protection. Within the framework of the proposal entitled "Flood Protection Measures " the planned lock was placed in the right drainage canal at the Ciliza channel estuary and arrangements were made for the placement of a mobile pump at the right drainage canal for the transfer of the internal waters. The ground preparation operations have been completed at the outflow section.

The term has been satisfied.



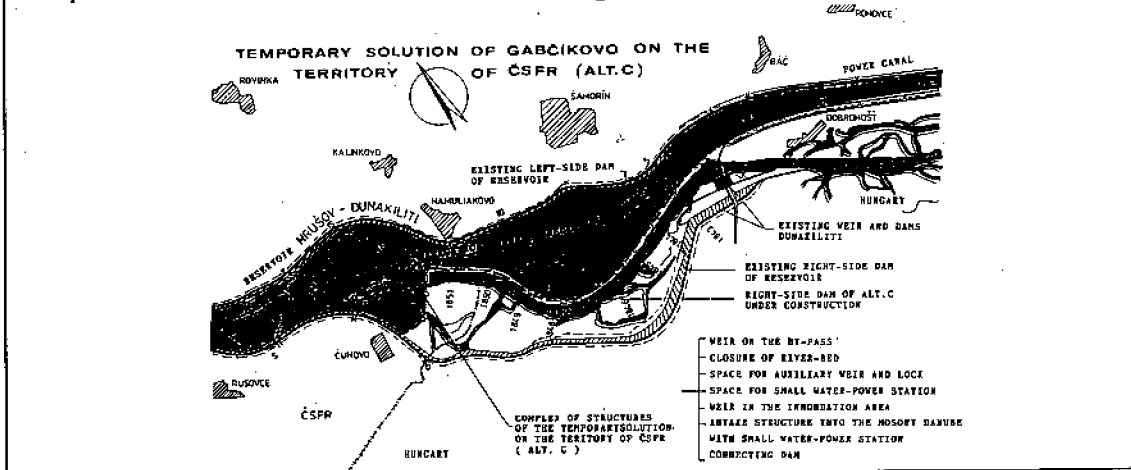
Gabčíkovo – Nagymaros Project

Publisher – contact address: Vodohospodárska výstavba – M. Liška MSc (Eng.), PhD(Econ.), Nám. SNP 13, 812 63 Bratislava, tel: 07/552 40, 575 35, fax: 07/507 89

THE TEMPORARY SOLUTION ON THE TERRITORY OF THE ČSFR – SLOVAKIA



Lay-out of the Reservoir in the Original and Temporary Solutions



Reasons for the Necessity to Complete Gabčíkovo

Damage Caused by Postponing of Operation: In the initial phase of implementation of the investment, the event of its abandonment means only the loss of the wasted financial resources, especially if there exists the possibility, to secure the aim of the investment in another suitable way. At an advanced stage of construction, the national economy counts on the gain of appropriate capacities and benefits, while the possibility of implementation of appropriate equivalent alternative solutions is not only practically limited by technical and time considerations, but is also economically handicapped, because of the costs already spent in the implementation of the original solution.

The effectiveness of completing the Project increases in the course of construction, and just before it is put into operation is many times higher, than the originally determined effectiveness of the whole investment. The damage from stopping construction at this stage is therefore given by the value of the lost profit, increased by the resulting extra costs. In the given case, the value of the electricity not gained, in the quantity of about 2,000 million kWh per year (from this, a half is of peak-quality), alone represents a loss of about 6,000 million Kčs per year. This damage can be reduced to about a third of the amount mentioned, by bringing at least the Gabčíkovo stage into operation. The total economic damages in the case of abandonment of the GNP and implementation of alternative solutions, would reach over 100,000 million Austrian schillings (that represents 10,000 million USD) on the side of ČSFR alone. This damage is estimated as the present value of the stream of costs involved by this decision, but practically no benefits. It is unquestionable, that such a solution is absolutely unacceptable for Czecho-Slovakia.

only to negotiate the abrogation of the Treaty, and the restoration of the „original state of the territory“;

- by binding negotiating experts to completely predetermined ultimatum like condition, to stop works on fulfillment of the Treaty also on the side of the ČSFR as well.

Under these limitations, the second negotiation between government delegations in July 1991 could contribute nothing and indeed it did contribute nothing to the solving of the dispute. Therefore, at the end of July, the governments of the Slovak Republic and the ČSFR decided to implement the temporary solution, the construction of which started in November 1991.

Possibilities of Defence Against Non-fulfillment of the Treaty by One Party: The party fulfilling an international treaty has the following possibilities of defence:

- to also interrupt fulfillment of the Treaty itself, but this would only fulfill the aim of the partner;
- to appeal to international arbitration, which is in the given case impossible, without the cooperation of the partner, while the partner gave abundant evidence of its unwillingness to cooperate;
- retaliatory provision in other economic or political areas, which would only sever good neighbourly relations, without lowering the damages;
- to undertake defensive counter-measures, which can also overreach the framework of the valid Treaty, if their purpose is the reduction of the resulting damage, by at least partial fulfillment of the aims of the Treaty. Since the counter-measures have also to perform pressure on the partner to fulfill its obligations, or to provide full compensation of the damages, they must have a temporary character. At the same time, they must not have the

Possibility of Reaching a Common Solution Acceptable to Both Sides: The offer of a common completion of Gabčíkovo, officially submitted by the Hungarian side in December 1989, was promptly withdrawn in January 1990, after the study work on the temporary solution in the ČSFR was stopped. In an attempt to preserve good neighbourly relations, the ČSFR used every opportunity for negotiations with the aim to work and reviewed on its side the potential environmental impacts of the GNP. On the other hand, the party violating the Treaty (the validity of which it did not dispute) interrupted the activity in the Joint Expert Group, so that communication on the professional level was completely stopped and there was no possibility of jointly checking unfounded accusations and solving the disputed problems. The offer of a joint request to the European Community for help in the frame of the PHARE programme, to study the most serious of the possible impacts on stocks of underground water, was rejected by the Hungarian side in October, 1990. On the basis of all the evaluations carried out SOFAR, and taking into account all possibilities, including the proposed abandonment of the Project, the governments of the ČSFR and the Slovak Republic decided to continue the preparation of the temporary solution within the territory of the ČSFR, in January 1991.

The government delegations met after long delay in April 1991, nearly two years after the unilateral abandonment of work. After violating the obligation to notify and to consult before every unilateral step, the Hungarian side also twice broke the „obligation to negotiate with the aim of reaching a solution to the dispute“, which is prescribed by the international customary law: - by a resolution of its parliament, the Hungarian government was authorized

character of punishment, i.e. they must not cause significant harm to the partner's citizens or environment, or violate the principles of humanity.

Evaluation of the Admissibility of the Temporary Solution: The Hungarian side did not allow the use of the Dunakiliti weir and the peripheral reservoir dams on the territory of Hungary, and was not willing to complete its share of work on the Gabčíkovo part of Project. The basis of the temporary alternative solution is, to realise structures entirely on the territory of the ČSFR, which would reduce the surface of the reservoir by one third and limit it to the territory of the ČSFR, and replace the function of the Dunakiliti weir, allowing the filling of the reservoir and the power canal constructed, thus enabling completion and operation of the Gabčíkovo part of the Project.

The Czecho-Slovak side was willing to abandon the implementation of the temporary solution, if the Hungarian side appeared willing to fulfill its obligations, at least for the Gabčíkovo part, and secure the damming of the Danube channel in autumn 1991. At present, with the first stage of works on the temporary solution practically completed, the temporary solution can be withdrawn from operation, as soon as the partner returns to fulfillment of the Treaty conditions. Full compensation for damages would - in the given case - require fulfillment of the aims of the Treaty, which cannot be achieved in another way.

Environmental Effects of the Temporary Solution to the Operation of Gabčíkovo: The environmental effects of the original solution of Gabčíkovo influence the Czecho-Slovak side to an essentially higher degree than the Hungarian side, since two thirds of the area of the reservoir are on the territory of the ČSFR, and especially because the whole canal is situated on the protected, agriculturally exploited land. The territory occupied by the GNP can

no longer be returned to its original productive state. There is no place, to dispose of millions of cubic metres of construction waste without further damage to the environment, the natural material to fill up the canal is lacking, and also top-soil needed to fertilize the reclaimed land is no longer available.

The side effects of the temporary solution will be either equal to those in the original Treaty solution and in this case it is necessary to consider them as mutually agreed-on in the framework of the 1977 Treaty, or they have more moderate effects on the Hungarian side, so that they cannot be considered as a significant harm, in the sense of international law, or a violation of humanitarian principles in any way.

Since the Hungarian unilateral act, declaring the annulment of the 1977 Treaty has not been accepted by the ČSFR, it is legally inactive and the Treaty 1977 is still fully valid.

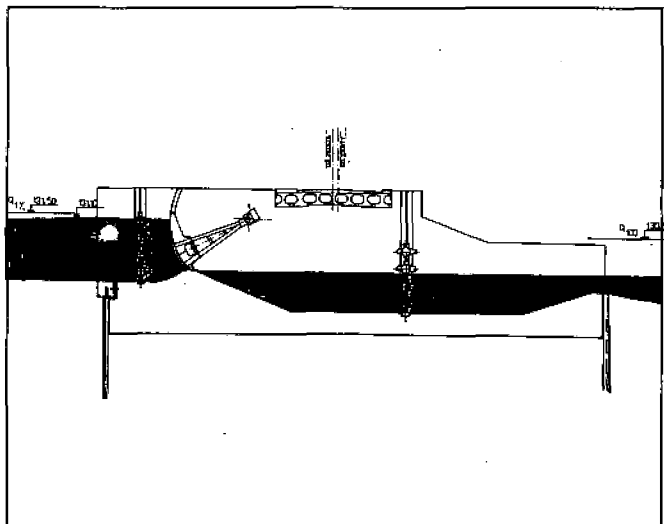
The environmental effects of the temporary solution may therefore be recapitulated as follows:

- The diversion of the navigational channel of the Danube onto the territory of the ČSFR is in harmony with the Treaty, and in the sense of its article 22, does not change the state boundary, neither does it interfere with the territorial integrity of Hungary in any way.
- The transfer of water from the Danube is agreed in the Treaty, it is carried out to mutual advantage, although the share of the costs and of the energy produced have changed as a result of the decision of the Hungarian side.
- All provisions of the Treaty for the operation of the Project and for the allocation of the Danube flow will be respected, or even exceeded in favour of the natural environment.
- By the impoundment of the water-level, the harmful process of systematic

erosion of the bed of the Danube and deepening of the surface of the underground water will be definitively stopped.

- At the same time, it will secure the supply of water to the Mosony branch of the Danube, improving significantly the present state of nature on Hungarian territory.
- The impoundment of water in the reservoir will increase the feeding of underground water by seepage from the reservoir. Taking into account the hydrogeological configuration of the underground layers, the deeper aquifers will be fed by seepage from the more distant upstream part of the reservoir near Bratislava, while seepage from the lower part of the reservoir will feed and dilute the upper, at present very polluted layer of underground water.
- The constructed intake structures will enable the optimal distribution of water to the old channel and the system of dead branches, and – if necessary – also the creation of artificial floods.
- Before and during operation, systematic monitoring is being done, by means of a sophisticated system of observation structures to evaluate the level and the quality of the underground water and many other values are being measured and evaluated around all structures. Any aberration will be detected in time, and if necessary, appropriate measures will be taken.

As a result of the facts mentioned, putting Gabčíkovo into operation not only secures the fulfillment of the aims of the investment, to the advantage of both sides, but the side effects will have mainly positive influence on the environment of both Czecho-Slovak and Hungarian territory. Therefore, these counter-measures have to be considered as appropriate and at the same time also environmentally desirable.



Section of the Bypass Weir

List of Structures of the Temporary Solution:

- 1 - Lateral dam, length: 11 km
- 2 - Bypass weir: 4 bays 18.0×5.1 m
- 3 - Dammed channel of the Danube
- Temporary protection for additional structures of the 2nd stage:
- 4 - * Dam - 3 bays
- 5 - * Auxiliary ship-lock
- 6 - * Hydro electric power station
- 7 - Dam in the inundation: 20 bays 24.0×3.6 m
- 8 - Intake structure to the Mosony branch
- 9 - Connecting dam
- 10 - Navigational canal from the Danube into the power canal

View of the Structures of the Temporary Solution

Section of the weir in the inundation

Quantity of the main structural works:

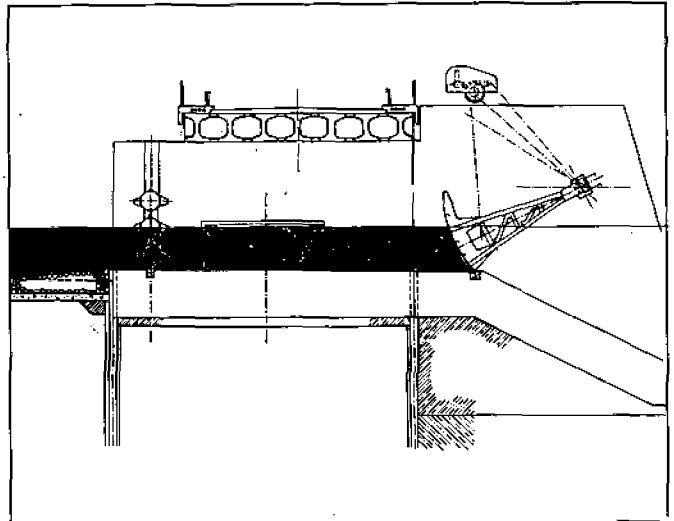
Excavation (incl. soil)	11,2 mil. m ³
Compacted fill	9,5 mil. m ³
Foild and geotextiles	3,1 mil. m ²
Concrete, incl. reinforced	0,17 mil. m ³
Underground walls	0,19 mil. m ³

Dates:

Beginning of work	Nov. 1991
Diversion of channel (1st stage)	Nov. 1992
Operation at maximum level	Dec. 1993
End of construction	1995

Costs - benefits (billions of Kčs):

Cost of the 1st stage	3,5
Cost of the 2nd stage	5,0*
Value of annual production of energy	4,0-6,0



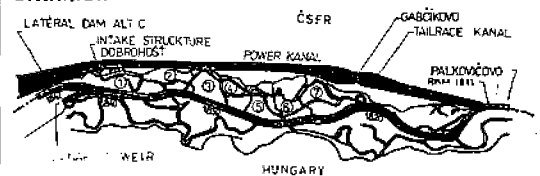
Proposal for a Definitive Solution of the Old Channel of the Danube:

The 1977 Treaty supposed the discharge of a biological flow of $50 \text{ m}^3 \text{ s}^{-1}$ into the old channel. The empty, strongly deepened channel (almost 2 m deeper than in 1977) would produce a harmful drainage effect. During periods of low flow in the Danube, the underground water-level in the surrounding areas would be unfavourably lowered. Therefore the possibility was studied of reducing this effect by construction of low dams/weirs in the old channel, which would maintain a level corresponding to the natural flow of about $1350 \text{ m}^3 \text{ s}^{-1}$, by a biological flow raised for example to $350 \text{ m}^3 \text{ s}^{-1}$. According to recommendations of biologists the weir would be completed with bypasses allowing the migration of fish. However, even the increased water-level would still not reach the interface between the underlying gravel and the soil layer of the meadow forests. Therefore, it is previewed that with periodical raising of the biological flow to about $1300 \text{ m}^3 \text{ s}^{-1}$, the accumulated sediments on the bottom would be washed away, the root systems of trees would be reached, and the water-level in the channel would be joined with the system of interconnected water-levels of the dead branches.

The latest results of research, carried out in cooperation with Danish and Dutch companies (in the frame of the PHARE program), shows the considerable importance of a pulsation of the water-level in the old channel, favourably influencing the quality of the neighbouring underground water. In such a solution the number of dams is lower, they are completed with weirs, while the heads created may be used for the production of electric energy.

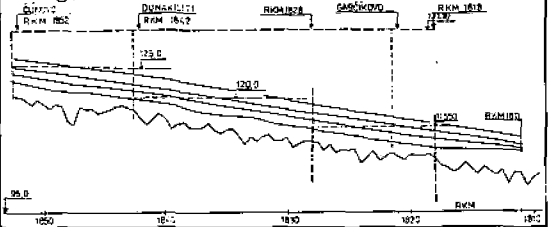
The construction of low dams in the old channel is desirable in the interests of creating optimal conditions for the ecosystem of the inland delta on both sides of the Danube and it should be carried out only on the basis of bilateral agreements. One of the possible solutions considers the use of the Dunakiliti weir and previews the construction of two further dams/weirs, about in river kilometres 1821 and 1831. The impounded water-levels would secure the watering of the root systems of the meadow forests and connection of the old channel with the system of dead branches. Variation of the water-level, possible in the period of low flows and the periodical washing out may be secured by occasional release of these small reservoirs.

Situation



Independent areas of the flood-plain with adjustable water-level, with water-supply from the reservoir through the intake-structure Dobrohošť.

Longitudinal Profile



Annex 174
P R O C L A M A T I O N

OCT 20 1987

Against the general opposition of the population, the Hungarian government in cooperation with the Czechoslovakian and Austrian governments, has decided to build a hydroelectric complex on the Danube. It will create a 25 square mile lake behind 60 feet walls at Dunakiliti. The Danube will be stopped while the reservoir is being filled. A second dam near Budapest is needed to prevent the riverbed from drying out during this "filling" phase.

Presently the Danube is a border river between Hungary and Czechoslovakia. If this project goes through, the Danube will be diverted to Czechoslovakian territory in a 16 mile long cement canal, with 60 feet tall walls, a structure larger than the Suez Canal. When electric power is needed, the enormous amounts of water collected in the reservoir will be released through the Gabcikovo plant, like in a water closet. When the release of water is started from the Gabcikovo plant a 12 feet tall flood wave will travel through the cemented waterbed and the Danube itself down to Nagymaros (near Budapest).

To review these plans, a special committee of Hungarian experts was set up. The following organizations were represented on this committee: The Hungarian Academy of Science, Office of Environment and Nature Preservation, Institute of Urbanization and the Union of Hungarian Architects. The committee sharply criticized the proposed project. It pointed out that environmental damage due to variations of up to 20 feet in ground water levels were not properly evaluated. It also noted, that damage to the 60 feet tall dams could cause the worst flood in Hungarian history and the stagnation of the Danube will damage the drinking water supply, agriculture and the unique fauna and flora of the Danube valley.

The Hungarian Government dismissed all of these concerns and asked Austria for financial assistance to complete this project. Austria agreed under the following terms: Austria will pay for about 70% of the Nagymaros project and in return will get practically all of Hungary's share of electricity for 20 years. This is worst then it sounds, because Hungary must provide Austria with a uniform amount of power, while the water levels in the Danube drop off in the winter. Therefore Hungary will have to burn oil to pay off the Austrians until 2015 and after 2015 Hungary will be left with a worn out, obsolete plant capable of generating only 2% of its electricity needs. This energy drain (not gain) will be achieved at enormous costs and at the expense of irreversible damage to the Danube valley environment.

The European Parliament asked the Hungarian and Austrian governments not to proceed with this project, but the Hungarian Government considers it a matter of prestige and is not about to be stopped by public opinion. We ask for the solidarity of all conscientious citizens and environmentally responsible people to protect the Blue Danube from being turned into an open sewer. Please send your protest to:

A Magyar Népkoztársaság Elnöki Tanácsa, 1055 Budapest, Kossuth ter 1/3,
HUNGARY

Okoinstitut, 1060 Wien, Neubaugasse 64-65, AUSTRIA

Sir David Attenborough
C.B.E., F.R.S.

Michael McCloskey
USA National Chairman, Sierra Club

Reply to: Foundation for the Protection of the Hungarian Environment
84 Old N. Stamford Road, Stamford, CT. 06905 USA

Presidium of the Hungarian People's Republic
 Kossuth Lajos Tér 1/3
 H-1055 Budapest
 Hungary

We the undersigned address the following petition to the Presidium regarding the planned construction of the Gabčíkovo-Nagymaros Hydroelectric Project (GNH):

- whereas the planned operation of the GNH as a peak-shedding power plant requires that the flow of the Danube be stopped periodically for several hours, turning the river between Győr and Nagymaros into a stagnant canal;
- whereas the untreated sewage of the cities of Győr, Komárom, Almásfüzitő, Tatabánya, Dorog, Esztergom, and of 17 villages now flows directly into the Danube, and whereas the completion of biological and chemical treatment plants is not even contemplated until the turn of the century;
- whereas the volume of raw sewage entering the Danube from the Czechoslovakian side is ten times the amount coming from Hungary, and therefore large quantities of sludge would settle at the bottom of the practically stagnant river;
- whereas the drinking-water supplies of this region of Hungary are obtained from wells near the Danube and these wells would be poisoned and plugged by the sludge;
- whereas drinking-water supplies of the region of Szigetköz would be lost along a stretch of 30 kilometers (16 miles) of the river;
- whereas the stagnant and polluted storage basin at Dunakiliti would endanger the underground aquifer beneath Szigetköz that constitutes the largest reserve of pure ground-water in Europe, with a capacity of one billion cubic meters (35 billion cubic feet);
- whereas the drop in the river level of the Danube near Budapest, caused by the dam at Nagymaros, would reduce the yield of the wells that supply Budapest;
- whereas ground-water levels would drop by 6 meters (20 feet) in the Szigetköz region, resulting in drought conditions and threatening agricultural production on over 15,000 hectares (37,000 acres);
- whereas the project would result in large losses of woodlands, which is an especially grave threat to a country with few forests: trees in the flood plain would be cut along a swath of 20 kilometers (13 miles) because of the construction of dikes, and 4,000 hectares (10,000 acres) of forests would die because of the lowering of the ground-water table, while the replacement with drought-resistant species would take 30 years;
- whereas the water in the Dunakiliti storage basin would be stored at an elevation of 18 meters (60 feet) above ground, and whereas the permanent water level between Gönyű and Nagymaros would be raised to above the present flood emergency line, and whereas the amount of water stored in the basins would exceed 10 billion cubic feet (several hundred millions of cubic meters), Budapest itself could be endangered if a dam fails because of an earthquake, flood, or sabotage;
- whereas every time the peak operation is started, the level of water below the Gabčíkovo dam would suddenly rise by 5 meters (16 feet), causing a flood wave to travel from Gabčíkovo to Nagymaros, endangering both river traffic and the integrity of the dikes;
- whereas Hungary would lose not only the river that demarcates its national boundary but all mooring facilities as well, along 30 kilometers (20 miles) of the Danube;
- Whereas the initial investment of 54 billion forints (one billion dollars) required for the GNH would curtail the availability of capital for other, more urgent investments;
- whereas this investment can be funded only by further increasing the national debt;
- whereas the projected initial investment for the GNH does not cover the protection of settlements and of the environment, which will cost additional 30 billion forints (\$700 million);
- whereas, in addition to these investments, the construction of the GNH also requires a loan from Austria in the amount of 7 billion Schillings (0.5 billion dollars);
- whereas Hungary has to repay this loan by supplying electric power to Austria for several decades;
- whereas the power, provided to Austria from the GNH, would have to be supplemented by electricity produced by conventional thermal power plants, whenever the level of the Danube is low;
- whereas, therefore, the BNV would constitute an added burden, instead of relief, of the power budget of Hungary until the year 2015;
- whereas after completion of the repayment of the loan, i.e. after 2015, the GNH would provide only 2% of the projected power needs of Hungary at that time;
- whereas the power plant would not be able to produce even this amount in 2015, because the machinery would have to be replaced after 25 years of operation;

- whereas it would be feasible to make the Danube navigable for large ships by dredging at a cost of only one third of that of the GNH;
- whereas the planned sluices would slow river traffic and eliminate hydrofoil traffic;
- whereas required dredging of the Dunakiliti and Nagymaros storage basins would produce millions of tons of polluted and toxic sludge, which needs to be disposed of;
- whereas all sewage lines and all southern tributaries of the Danube would have to be lifted by pumps across the elevated dikes;
- whereas the loss of the forests in the flood plains and the lowering of the water level in the old bed of the Danube to less than a foot would endanger the unique fauna and flora of the area;
- whereas the stagnant and polluted Dunakiliti storage basin will be useless for recreational purposes, and whereas the present recreational area at Pilismarót, with a capacity of 20,000 persons, will also be lost unless a new lake is created and filled with filtered water;
- whereas even a minimal rise in the water table would endanger the unexcavated historical ruins of the old capital city of Esztergom as well as other archeological sites, and finally,
- whereas the GNH would convert the Danube bend at Visegrád into a stagnant, polluted open sewer, unsuited for recreational use,

we the undersigned respectfully petition the Presidium to comply with the resolution of the European Parliament and to initiate an open public discussion of the BNH project, with the aim of sharing the responsibility for this grave historical decision with the entire Hungarian nation.

S A V E T H E B L U E D A N U B E !

(PLEASE PRINT)

SIGNATURE	NAME	ADDRESS	ORGANIZATION YOU REPRESENT (IF ANY)
1)			
2)			
3)			
4)			
5)			
6)			
7)			
8)			

Return to: Foundation for the Protection of the Hungarian Environment
 84 Old N. Stamford Road, Stamford, CT 06905, USA

Annex 175

Resolution of the Parliament of the European Communities on the Gabčíkovo-Nagymaros Power Station Construction Project, 29 October 1992.

18. Human rights

(a) RESOLUTION B3-1414, 1422, 1458 and 1490/92

Resolution on the Gabčíkovo-Nagymaros power station construction project

The European Parliament,

- A. profoundly alarmed at the growing tension in Central Europe which could threaten democratic renewal in this region,
 - B. having regard to the 1977 Treaty between Hungary and Czechoslovakia on the establishment of a dam and hydroelectric power station on the Danube,
 - C. having regard to Hungary's decision to withdraw from this Treaty with effect from 25 May 1992,
 - D. aware of the importance attached to this project by the Slovak Government and their proper desire to revive the Slovak economy,
 - E. aware of the state of the energy industry in Slovakia which necessitates the closure of obsolete and environmentally hazardous installations and a change of direction towards renewable forms of energy, and noting that energy-saving measures could make a significant contribution to resolving the region's energy supply problems,
 - F. whereas the construction work relating to the power stations is currently affecting whole tracts of countryside, thus potentially damaging the environment and endangering drinking water supplies,
 - G. conscious that if irreversible steps are taken the possible ill effects in terms of environmental impact will extend far beyond Slovakia,
 - H. having regard to the serious ecological and international political implications of this project which has been undertaken without any serious environmental impact assessment and without the populations concerned being adequately consulted,
 - I. pleased by the results of the negotiations between the Commission, the CSFR and Hungary in London on 28 October 1992,
1. Expresses its hope that the negotiations in London on 28 October 1992 will lead to the solution of the conflict and expects the judgement by an independent body of the results of the fact-finding mission to be binding for both parties;
 2. Calls upon the Commission vigorously to support initiatives to seek a diplomatic solution to this conflict;
 3. Calls on the Commission to carry out a comprehensive environmental impact assessment on the power station construction project, to be drawn up by independent environmental experts approved by both the Slovak and the Hungarian governments;
 4. Instructs its President to forward this resolution to the Commission and Council, the governments of Czechoslovakia and Hungary, the Government of Slovakia, the United Nations and the Conference on Security and Cooperation in Europe.

EUROPEAN PARLIAMENT

10 March 1993

B3-350/93/RC1
 B3-352/93/RC1
 B3-382/93/RC1
 B3-392/93/RC1
 B3-428/93/RC1

JOINT MOTION FOR A RESOLUTION

by Mrs ROTH-BEHRENDT, on behalf of the Socialist Group
 Mr HABSBURG, on behalf of the Group of the European People's Party
 Mr PUNSET I CASALS, Mr DE VRIES, Mr VOHRER and Mr PIMENTA, on behalf of the
 Liberal and Democratic Reformist Group
 Mrs VAN DIJK, on behalf of the Green Group in the European Parliament
 Mr MORETTI, on behalf of the Rainbow Group in the European Parliament

and seeking to replace the motions for resolutions by:

- Mr MORETTI, on behalf of the Rainbow Group in the European Parliament (B3-350/93)
- Mr HABSBURG, on behalf of the Group of the European People's Party (B3-352/93)
- Mr PUNSET I CASALS and others, on behalf of the Liberal and Democratic Reformist Group (B3-382/93)
- Mrs VAN DIJK and Mr LANNROYE, on behalf of the Green Group in the European Parliament, (B3-392/93)
- Mrs ROTH-BEHRENDT, on behalf of the Socialist Group (B3-428/93)

on the construction of a power station at Gabčíkovo-Nagymaros.

The European Parliament,

- A. taking note of the declaration of the European Commission of February 16th 1993 with regard to its mediating activities in relation to the problems of the Gabčíkovo/Nagymaros dam,
- B. taking note of the proposals of the Commission with regard to the outstanding problems between the Slovak and Hungarian government,
- C. in view of the results of the negotiations on the proposals of the Commission,
- D. in view of its resolution of October 1992,

DOC_EN\RE\DAH

PE 170.310/RC1
 PE 170.312/RC1
 PE 170.343/RC1
 PE 170.364/RC1
 PE 170.400/RC1
 Or. EN

- F. bearing in mind the consequences for nature and the environment of the Gabčíkovo construction works,
- F. in view of the agreement in principle, reached between Hungarian and Slovak governments to submit the case of the conflict to the International Court of Justice in the Hague,
1. Is alarmed at the stagnation that has occurred now no progress can be made in finding solutions for a temporary water management regime, and the prevention of the start of the procedure at the International Court of Justice and calls upon the Hungarian and Slovak governments to immediately continue with the procedure;
 2. Requests the Commission to provide further information on the progress of the discussions at the highest political level, as arranged on February 16,
 3. Reiterates its worries about the possible growing tensions in this area as a consequence of the conflict;
 4. Endorses the Commission's willingness to continue its mediating role;
 5. Calls on the parties to the dispute to abide by the Community's proposals of 16 February 1993;
 6. Urgently appeals to the Slovak government to be more flexible and to cooperate in finding solutions to the outstanding problems;
 7. Requests the Commission to mediate in finding at short notice - as the growing season is rapidly approaching and further environmental damage should be prevented - to promote urgently, a temporary water supply regime controlled by both the Hungarian and the Slovak side;
 8. Requests the Commission to further investigate the possibilities of financial aid to Slovakia to compensate any reduction in its energy production;
 9. Requests the European Commission to have implemented, by independent experts, a thorough environmental impact assessment of the project, including the part of the construction works completed to date and also requests the Commission to have a complete study made of the effects on navigation, energy production and other relevant aspects of the project;
 10. Requests the European Commission to present proposals for a international nature protection area in the unique wetlands around the Danube in the Hungarian-Slovak border area involving national and international governmental and non-governmental organisations.
 11. Instructs its President to forward this resolution to the Commission, the Council the governments of Slovakia, Hungary, the Czech Republic, the CSFR and the Council of Europe.

DOC_EN\RE\DAK

PE 170.310/RC1
 PE 170.312/RC1
 PE 179.343/RC1
 PE 170.364/RC1
 PE 170.400/RC1
 Or. EN

Resolution of the Parliament of the European Communities on the Gabčíkovo-Nagymaros Barrage, 25 June 1993.

21. Gabčíkovo-Nagymaros Dam

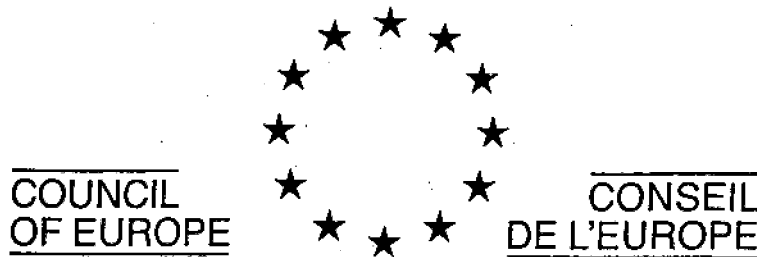
B3-0946, 0954, 0955 and 0956/93

Resolution on the Gabčíkovo-Nagymaros Dam

The European Parliament,

- having regard to the Commission statement on the Gabčíkovo-Nagymaros Dam and its resolutions on this topic,
- A. in view of the lack of results in the consultations of the Slovak and Hungarian parties on solutions for the outstanding problems with regard to a temporary water regime,
- B. having regard to the negative effects of the Gabčíkovo project on nature and the environment; considering in particular that these effects are aggravated by the failure to reach an agreement on the dynamic operation of water flows, divided between the Danube riverbed and the power canal,
- 1. Reiterates its concern about the possible increase in political tension in this region as a result of this conflict;
- 2. Expresses its concern that a solution to the question of a temporary water regime, which is acceptable to both Slovaks and Hungarians, has still not been found;
- 3. Criticizes the Slovak Government for its continuing unwillingness to agree to the compromise proposals formulated in the consultations of 16 February and the failure to implement measures so that the procedures at the International Court of Justice in The Hague may be started;
- 4. Calls on the Slovak Government to abandon its delaying tactics and to present its case to the International Court of Justice at the earliest possible date;
- 5. Urges all parties involved to increase their efforts to reach a compromise along the lines of the proposal formulated by the EC experts in January 1993;
- 6. Expects the Commission and EPC to make immediate representations in Bratislava and Budapest so that no unilateral measures are taken that might have unforeseeable consequences;
- 7. Considers that the EC and its Member States should take into account the positions adopted on this question by Hungary and Slovakia in the development of their economic and political relations with both countries;
- 8. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, Slovakia, Hungary, the Czech Republic, the CSCE and the Council of Europe.

Annex 178



Q. King

Committee of Ministers
Comité des Ministres

Strasbourg, 12 January 1994

Restricted
Misc (94) 6

**Memorandum on Council of Europe practice
with regard to State succession in the matter of treaties**

1. This memorandum reviews the Committee of Ministers practice in the matter since 1991 following the questioning of that practice in the letter of 18 October 1993 from the Ministry of Foreign Affairs of Ukraine.

2. The question arose for the first time in early 1992, following the dissolution of the USSR in December 1991 (Alma Ata Declaration, 21 December 1991), and initially with regard to the Russian Federation. In the Declaration the States of the Commonwealth of Independent States (CIS) set up on that occasion "guarantee, in conformity with their legislative procedures, respect for the international commitments resulting from agreements signed by the former USSR".

The USSR had acceded to seven Council of Europe conventions between 1989 and 1991, having been invited by the Committee of Ministers so to do in response to requests submitted by the USSR Government. On 7 January 1992 the Consul General of Russia transmitted to the Secretary General a letter from Mr Kozyrev, the Minister for Foreign Affairs of the Russian Federation, declaring his country's "firm intention to conform to all the international obligations of the former USSR, as well as its decision to be the successor State to the USSR in international affairs as a whole".

After discussion and in the light of information obtained on United Nations practice and of the opinion of the CAHDI, the Committee of Ministers noted at its 472nd meeting (March 1992) "that the Russian Federation is a Contracting Party to the Conventions of the Council of Europe to which the Soviet Union had acceded".

Misc(94)6

3. In this context, the problem of the other former Soviet Republics, including Ukraine, was considered. It should be noted that in its discussion paper (Misc(92)9 dated 20 January 1992) the Secretariat made the following points:

"B. As regards the other Republics of the former Soviet Union, the following considerations might guide the deliberations of the Ministers' Deputies.

In the previous contacts with the authorities of the Soviet Union, particularly during 1991, the latter encouraged the Council of Europe to develop contacts and cooperation with the authorities of the Republics. The letter from the Minister for Foreign Affairs of the Russian Federation also refers positively to the opportunities for a dialogue between the Council of Europe and the other Republics. The Committee of Ministers instructed the Secretariat to initiate contacts with the authorities of certain Republics with a view to their participating in the programmes of cooperation and assistance with countries of Central and Eastern Europe (while nevertheless specifying that such contacts should be conducted with the knowledge and help of the Soviet authorities). There has not, however, been time to pursue these contacts beyond initial meetings with certain representatives of Russia and Ukraine.

It may be expected that the new Republics (besides Russia) will wish to avail themselves of the possibilities of succession to the former Soviet Union in accordance with the relevant rules of international law. This question might also arise in future with regard to Council of Europe Conventions (for example, and, in particular, the European Cultural Convention)."

The Enlarged Rapporteur Group (GREL) at its meeting on 27 January 1992 (Annex to the Addendum to Notes No. 8882) considered this paper and the Director of Political Affairs concluded as follows:

"On the other hand, the succession regime which it was proposed should apply to the Republics of the former Soviet Union other than the Russian Federation would be based, in the case of Council of Europe conventions, on the principle of a "clean break": nothing would be automatic for the Republics, when it came to succession to the Council of Europe conventions to which the Soviet Union had acceded. At most, consideration could be given to the possibility of the Republics declaring, in initiatives for which they were individually responsible, that they would like to be accepted as Contracting Parties to one or other of those conventions. In that case, however, the

Committee of Ministers might maintain that accession to the conventions was effected at the invitation of the Committee of Ministers, such invitations being decided in the light of the applicant country; it would be up to the Committee of Ministers, therefore, to decide in each case whether the request from one or other of the Republics could be satisfied or not. This would be a return to a system similar to that of [prior] invitation."

At a meeting with a delegation of senior Ukrainian officials in Strasbourg on 15 and 16 April 1992, the Foreign Ministry's point of view was expressed by the Head of the Legal Department as follows:

"As for the succession questions that had arisen as a result of the dissolution of the Soviet Union, the Ukraine considered that there was no continuator State but only successor States. The Alma Ata agreement covered only the allocation of the permanent seat on the United Nations Security Council. The Ukraine had accepted this solution for the sake of stability, in order to reassure the international community. As far as all the other aspects of the succession to the former Soviet Union were concerned, the rights of all the Republics making up the Union needed to be safeguarded.

The Ukraine did, however, apply this principle with great flexibility. With regard to the Council of Europe conventions to which the Soviet Union had been a Contracting Party, the Ukraine was prepared, in so far as it was specifically interested in them, to accept either of the following solutions:

- to be recognised as a Contracting Party in its capacity as a successor to the Soviet Union;
- to be invited by the Committee of Ministers to lodge the instruments enabling it to accede to these conventions."

4. Having regard, inter alia, to this position, the Committee of Ministers decided at its 476th meeting:

- to invite the Republic of Ukraine to accede to the European Convention on Information on Foreign Law (ETS No. 62) and the Protocol thereto (ETS No. 97), subject to consultation with the non-member States which were Parties to the Convention;
- to invite the Republic of Ukraine to accede to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities (ETS No. 106).

This decision implies that the Committee of Ministers does not accept Ukraine's position of principle on the question of succession in the rights and obligations of the former USSR.

Misc(94)6

Concerning the first of these Conventions, the Secretariat notified the decision to the Ministry of Foreign Affairs of Ukraine on 4 August 1992. In its reply of 28 July 1993 to a letter dated 23 July 1993 it explained the arrangements for depositing the formal instrument of accession.

5. At a meeting in Strasbourg on 30 September and 1 October 1992 on the Cultural Convention, the same senior official from the Ministry of Foreign Affairs of Ukraine further explained his authorities' point of view:

"Ukraine was already prepared to complete the formalities for accession to this international legal instrument. It wished, however, to reserve its rights in the highly complex matter of succession to the former Soviet Union. The treaty in question was one to which the Soviet Union had formerly been party, and Ukraine would accordingly wish to express and preserve its position regarding the rights of succession to the former Soviet Union. This was why the Ukrainian Parliament might, when required to decide on a possible Council of Europe invitation to accede to the European Cultural Convention, adopt a declaration accepting this invitation and agreeing to apply the Convention but also indicating that it was doing so in accordance with its rights as successor to the former Soviet Union."

6. At its 482nd meeting (October 1992) the Committee of Ministers decided:

- to invite the Republic of Ukraine to accede to the European Cultural Convention, to which the Soviet Union was formerly a Party, taking into consideration that Ukraine may become a member State of the Council of Europe when all the statutory requirements have been met.

The Committee of Ministers, notwithstanding this further statement of its position by Ukraine, thus confirmed the practice established by its earlier decisions (see 4. above).

7. A similar decision was adopted at the 484 bis meeting (December 1992) concerning Belarus. In depositing its instrument of accession to the Cultural Convention on 18 October 1993, Belarus followed Council of Europe practice in the matter of succession.

8. The general principle of succession was discussed and the Council of Europe's policy in the matter decided in respect of the new States issuing from the former Yugoslavia at the 480th meeting (September 1992), ie after the first invitation, mentioned above, to Ukraine. At this meeting the Committee of Ministers:

"i. decided, noting the request submitted by the Government of the Republic of Slovenia and without prejudice to the general questions of State succession, to invite Slovenia to become a Contracting Party to each of the following treaties, in accordance with the relevant provisions of these conventions: ...

ii. instructed the Secretariat to inform the Government of Slovenia that it could become a Contracting Party to the above Treaties by notification addressed to the Secretary General for each of these Conventions;".

Since then similar decisions have been made in respect of Croatia and the Former Yugoslav Republic of Macedonia.

9. Ukraine's position, as presented orally and in writing, is set out in detail in doc. Misc(93)70. In short, Ukraine considers that, following the dissolution of the USSR, there is no continuator State but only successor States, with the exception of the allocation of the permanent seat on the United Nations Security Council to Russia. As far as all the other aspects of the succession to the former Soviet Union are concerned, the rights of all the Republics making up the Union need to be safeguarded.

In the light of the letters of 10 August and 18 October 1993, the solution adopted by the Committee of Ministers and which had been accepted orally by the Ukrainian authorities in 1992 (see point 3. above) therefore appears to be no longer acceptable to the Minister for Foreign Affairs of Ukraine.

10. This being so, three solutions might, at least in theory, be envisaged:

1. acceptance of the theory of automatic succession, ie the theory currently advocated by the Ukrainian authorities; it is clear from the debates in the Committee of Ministers that several delegations object to this theory;
2. continuation of the practice of refusing automatic succession and making accession conditional on the prior submission of a request by the country concerned and a specific invitation from the Committee of Ministers;

3. retention of the practice detailed in 2. but acceptance of a simplified procedure for notification of accession by the State concerned (as for the new States issuing from former Yugoslavia)¹.

Erik HARREMOES
Director of Legal Affairs

¹ With regard to Ukraine and the Convention on Information on Foreign Law and the Protocol thereto, the Council of Europe might, while emphasising that the Committee of Ministers does not endorse the theory of succession put forward by Ukraine, accept the letters of 10 August 1993 as notifications of accession effective from that date.

Annex 179

Resolution of the Parliament of the European Communities on the Gabčíkovo-Nagymaros Barrage, 12 February 1994.

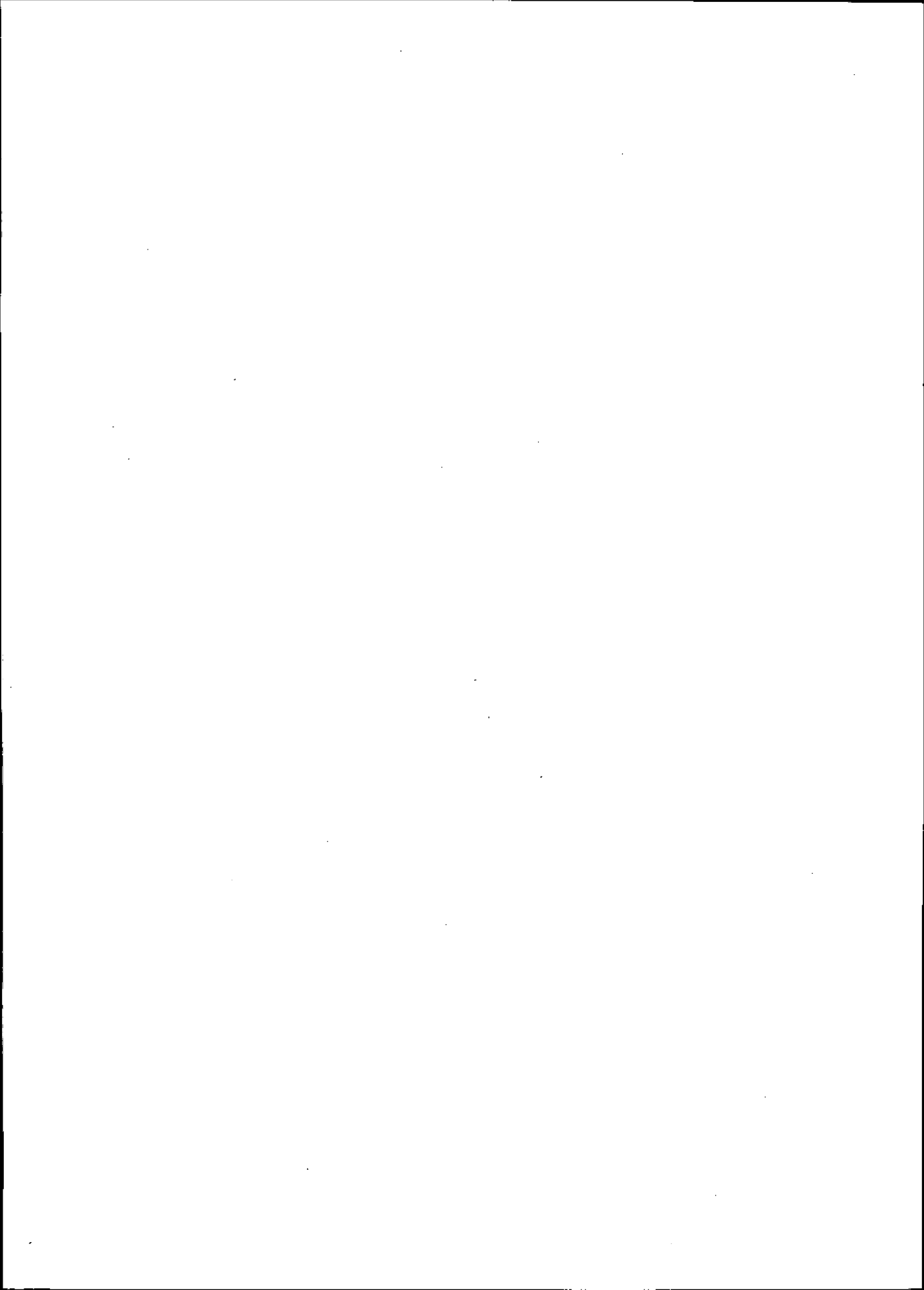
6(e) B3-0164 and 0212/94

Resolution on the Gabčíkovo-Nagymaros project

The European Parliament,

- A. having regard to the findings of the trilateral group of experts who submitted their proposals to the Governments of Slovakia and Hungary on 1 December 1993,
 - B. having regard to its many previous resolutions on this subject, most recently of 25 June 1993¹, which stressed Parliament's concern at the serious ecological effects and the consequences for drinking water supplies,
 - C. whereas the objective of the dam is: flood protection; protection of the riverbed against erosion; conservation of delta and wetland wood; improvement of groundwater conditions (following technical measures on both sides); environmentally clean electricity production,
 - D. whereas with the onset of spring it is all the more urgent to establish a temporary water management system which will limit as far as possible the damage to the environment and to the supply of drinking water,
1. Reiterates its concern at the damage the project may do to nature and the environment in the region, especially in Hungary;
 2. Asks the Commission to report on the results of the work of the monitoring group and the expert group that started their work in September 1993 and hopes that the report will serve as a basis for further negotiation on necessary technical measures and a water management regime for the river;
 3. Points out that, in view of its unique ecological situation, the conservation of this natural area far outweighs the interests of Slovakia and Hungary alone;
 4. Notes that there has not been sufficient progress in the discussions on the temporary water management regime, which is to the detriment of the population in this part of the Danube region;
 5. Calls for the rights of citizens in this region to be safeguarded by means of a democratic consultation procedure;
 6. Expresses its hope that a solution will be found to the question of a temporary water management regime which is acceptable to both Slovaks and Hungarians;
 7. Expects the Commission to step up its activities within the Trilateral Group;
 8. Instructs its President to forward this resolution to the Council, the Commission and the Governments of Slovakia and Hungary.

¹ OJ C 194, 19.7.1993, p. 407.



Akadémiai Nyomda, Budapest
Printed in Hungary