INTERNATIONAL COURT OF JUSTICE

GABČÍKOVO-NAGYMAROS PROJECT (HUNGARY/SLOVAKIA)

MEMORIAL

SUBMITTED BY THE

SLOVAK REPUBLIC

ANNEXES 57 - 141

VOLUME IV

2 MAY 1994

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Volume IV

	<u>rage</u>
57.	Extracts from official booklet describing the PHARE Program and the Project: "Danubian Lowland - Ground Water Model"
58.	Protocol from the negotiations of the Plenipotentiaries of the Governments of Czechoslovakia and Hungary on Continued Cooperation in the Construction of the Gabčíkovo-Nagymaros Project, held on 8-9 June, 1989 in Bratislava
59 .	Letter of 9 June 1989 from the Hungarian Plenipotentiary to his Czechoslovak Counterpart
60.	Aide Mémoire of 26 June 1989 21
61.	Hungarian Academy of Science "Judgment" of June 1989: "Seismological and environmental ecological effects, and influences on water quality in case of realization, or suspension of the construction of the SHP G-N"
62.	Professional Summary of June 1989 of risk factors ensuing from ecological hazards, which influenced the decision of the Hungarian Government to suspend the works at the Nagymaros Project
63.	Letter of 13 July 1989 from the Czechoslovak Plenipotentiary to his Hungarian counterpart
64.	Statement of the Czechoslovak Party of 12 July 1989 responding to the materials furnishing the documentation of the Ministerial Council of the Hungarian People's Republic at the temporary stoppage of Construction of the Nagymaros Waterwork
65.	Memorandum of negotiations, 17-19 July 1989
66.	Czechoslovak Aide Mémoire of 25 July 1989
67.	Memorandum of negotiations of Plenipotentiaries, 3 August 1989
68.	Letter of 8 August 1989 from the Czechoslovak Plenipotentiary to his Hungarian counterpart
69.	Czechoslovak Note Verbale of 18 August 1989
70	Protocol of Negotiations of Experts at the Meeting of Plenipotentiaries on 21-23 August 1989
71.	Letter from the Czechoslovak Prime Minister to the Hungarian Prime Minister of 31 August 1989
72.	Hungarian Note Verbale of 1 September 1989
73.	Protocol of the 50th session of the Joint Commission for Boundary Waters, 4-8 September 1989
74 .	Letter from the Hungarian Prime Minister to the Czechoslovak Prime Minister of 4 October, 1989 responding to the latter's letter of 31 August 1989

75 .	Hungarian Note Verbale of 30 October 1989
76.	Czechoslovak Note Verbale of 30 October 1989
77.	Hungarian Note Verbale of 3 November 1989
78.	Hungarian Note Verbale of 30 November 1989 with attached draft of proposed amendments to 1977 Treaty
79.	Letter of 10 January 1990 from the Hungarian Prime Minister to the Czechoslovak Prime Minister
80.	Letter of 15 February 1990 from the Czechoslovak Prime Minister to the Hungarian Prime Minister, responding to the latter's letter of 12 January 1990
81.	Letter of 6 March 1990 from the Hungarian Prime Minister to the Czechoslovak Prime Minister, responding to the latter's letter of 15 February 1990
82.	Agreement on Joint Czechoslovak-Hungarian Cooperation in the study of surface and ground water under the auspices of the EC PHARE Program
83.	Letter of 15 November 1990 from the Hungarian Plenipotentiary to the Czechoslovak Plenipotentiary
84.	Letter of 21 November 1990 from the Czechoslovak Plenipotentiary to his Hungarian counterpart in response to the Hungarian letter of 15 November
85.	Letter of 14 December 1990 from Hungarian Prime Minister to Czechoslovak Prime Minister 201
86.	Letter of 15 January 1991 from the Czechoslovak Prime Minister to the Hungarian Prime Minister replying to the latter's letter of 14 December 1990
87.	Aide Mémoire of Negotiations of Czechoslovak and Hungarian Delegations on 22 April 1991 and agreed Declaration issued that day
88.	Resolution No. 26 of the Hungarian Parliament of 23 April 1991
89.	Protocol of negotiations of Plenipotentiaries on 10 July 1991
90.	Communiqué of 15 July 1991 from Negotiations of Plenipoteniaries held 14-15 July 1991 223
91.	Resolution No. 384 of Slovak Government of 23 July 1991 concerning putting into operation of Variant "C"
92.	Resolution No. 484 of the Czechoslovak Government of 25 July 1991
93.	Letter from the Czechoslovak Prime Minister of 30 July 1991 to the Hungarian Prime Minister
94.	Hungarian Note Verbale of 30 July 1991
95.	Letter of 12 August 1991 from the Hungarian Prime Minister to the Prime Minister of the Czechoslovak Federal Republic

96.	Czechoslovak Note Verbale of 27 August 1991 responding to the Hungarian Note 30 July 1991	of . 241
97	Speech of Minister/Chairman for the Czechoslovak Federal Committee for the Environment, J. Vavroušek, in the Hungarian Parliament, 9 November 1991	. 243
98.	Joint Statement of Environmental Committees of the Hungarian Parliament after hearing the Czechoslovak Minister for the Environment	. 269
99.	Letter of 18 December 1991 from the Slovak Prime Minister to the Hungarian Mi without Portfolio	nister . 273
100.	Letter of 19 December 1991 from the Hungarian Prime Minister to the Czechoslo Prime Minister	vak . 275
101	Letter of December 1991 from the Chairman of the Hungarian Parliament to the Chairman of the Czechoslovak Federal Assembly (Alexander Dubček)	. 279
102.	Letter of 23 January 1992 from the Czechoslovak Prime Minister to the Hungaria Prime Minister, responding to the latter's 19 December letter	n , 285
103.	Letter of 27 January 1992 from the President of the Czechoslovak Federal Assem (Alexander Dubcek) to the President of the Hungarian Parliament	bly . 289
104.	Hungarian Note Verbale of 14 February 1992	. 293
105.	Czechoslovak Note Verbale of 18 March 1992	. 297
106.	Letter of 26 February 1992 from the Hungarian Prime Minister to the Prime Minister of Slovakia, responding to the Czechoslovak letter of 23 January 1992	. 299
107.	Letter of 13 April 1992 to the Czechoslovak Government from Mr. Andriesson, Vice-President of the EC Commission	. 305
108.	Letter of 23 April from the Slovak Prime Minister to the Hungarian Prime Minister responding to his 26 February letter	er, . 307
109.	Letter of 24 April 1992 from the Czechoslovak Government to Mr. Andriesson of the EC Commission, in response to his letter of 13 April to which a draft joint response was attached	. 317
110.	Resolution of the Hungarian Government of 7 May 1992 on the Termination of the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic Concerning the Construction and Operation of the Gabčíkovo-Nagymaros Waterworks	. 319
111.	Letter of Slovak Prime Minister to the Hungarian Prime Minister, 11 May 1992, with attached Slovak Resolution and Declaration of 11 May 1992	. 321
112.	Hungarian Note Verbale of 19 May 1992	. 327
113.	Letter of 19 May 1992 from the Hungarian Prime Minister to the Czechoslovak Prime Minister	. 331
114.	Czechoslovak Note Verbale of 22 May 1992, responding to the Hungarian Note of 19 May	337

115.	of the EC Commission
116.	Letter from the Czechoslovak Representative on the Danube Commission to the Director of Secretariat of the Danube Commission of 5 August 1992
117.	Letter of 6 August 1992 from the Czechoslovak Prime Minister to the Hungarian Prime Minister
118.	Two letters dated 17 August 1992 from the Hungarian Representative on the Danube Commission to the Commission
119.	Letter of 18 August 1992 from the Hungarian Prime Minister to the Prime Minister of Czechoslovakia
120	Letter of 14 September 1992 from the Hungarian Foreign Minister to the Czechoslovak Foreign Minister
121.	Letter of 23 September 1992 from the Czechoslovak Prime Minister to the Prime Minister of Hungary replying to his 18 August letter
122.	Letter of 23 September 1992 from the Czechoslovak Foreign Minister to the Hungarian Foreign Minister in reply to his 14 September letter
123.	Letter of 28 September 1992 from the Hungarian Prime Minister responding to the Letter of 23 September from the Prime Minister of Czechoslovakia
124.	Letter of 30 September 1992 from the Vice-President of the EC Commission to the Czechoslovak Foreign Minister
125.	Letter of 2 October 1992 from the Czechoslovak Prime Minister responding to the Hungarian Prime Minister's letter of 28 September 1992
126.	Czechoslovak <u>Aide Mémoire</u> tabled at meeting of two delegations on 22 October 1992
127.	Statement of the Ministry of Foreign Affairs on the Slovak Republic concerning the Gabčíkovo-Nagymaros Project dated 24 October 1992
128.	Agreed Minutes of the Meeting between the European Commission, Czechoslovakia the CSFR and Hungary on 28 October 1992 on the Gabčíkovo-Nagymaros Project
129.	Letter of 4 November 1992 from the Czechoslovak Government to the Vice President of the EC Commission
130.	Agreed Minutes of the meeting between Czechoslovakia, Hungary and the European
131.	Agreed minutes of the meeting between Czechoslovakia, Hungary and the European
132.	Letter from the Hungarian Prime Minister, János Kádar, to the Czechoslovak Prime Minister, November 27, 1957

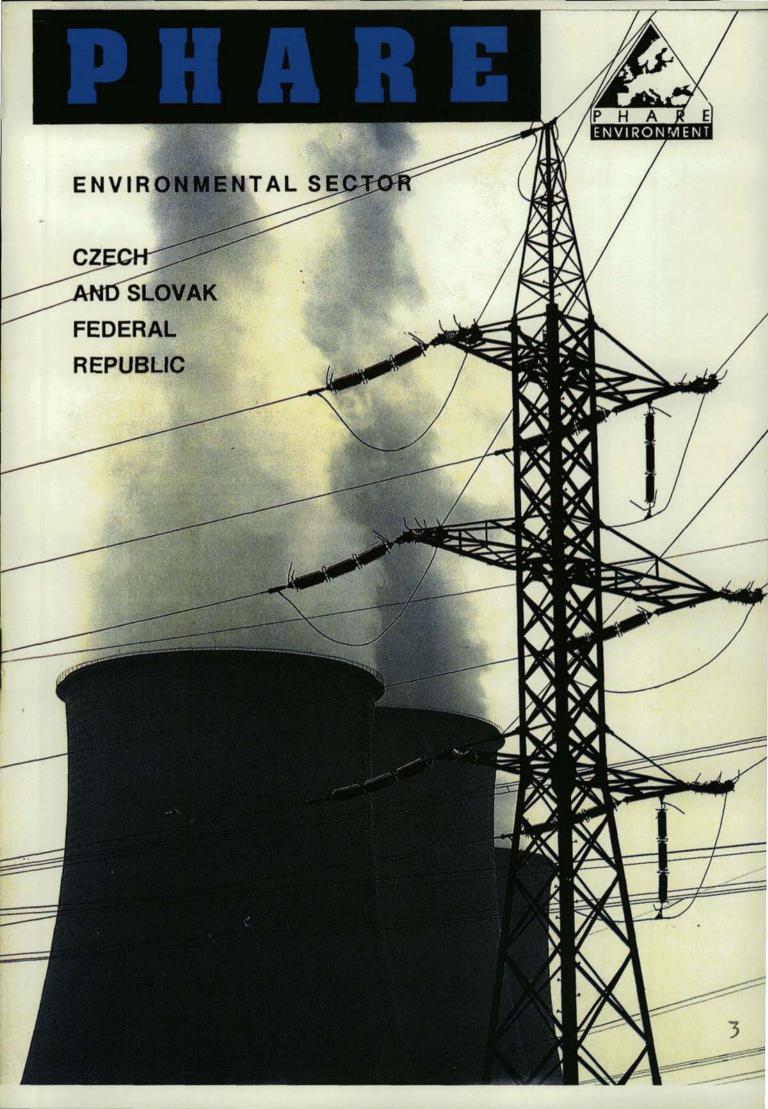
133.	Czechoslovak Republic and the Hungarian People's Republic on the Utilisation Water Energy of the Danube in the Section between Bratislava and Nagyma Prague, October 6-7, 1958	n of aros,
134.	Minutes from Talks of Experts in International Law from the Czechoslovak Socia Republic and the Hungarian People's Republic on Questions of Implementation o 1977 Treaty on the Construction and Operation of the Gabčíkovo-Nagymaros Sy of Locks and Related Documents	f the stem
135.	Joint Operative Group - Time Schedule of Putting the Waterwork Gabčíkovo into Operation	
136.	Information Concerning the Termination of Construction Work on Nagymaros Barrage and Delay in the Construction of Waterwork Gabčíkovo	. 407
137.	Plan des Grands Travaux Visant l'Obtention des Gabarits Recommandés sur le Danube dans l'intérêt de la Navigation	. 421
138.	Decision de la Quarante-Deuxième Session de la Commission du Danube, 28 March 1984	. 427
139.	"Navigation et Fleuves" No. 133, décembre 1990	. 433
140.	Note Verbale from the Ministry of Foreign Affairs of the Slovak Republic to the Embassy of the Republic of Hungary, July 13, 1993	. 443
141.	Certification of Documentation, Dr. Peter Tomka, Agent of the Slovak Republic	. 445

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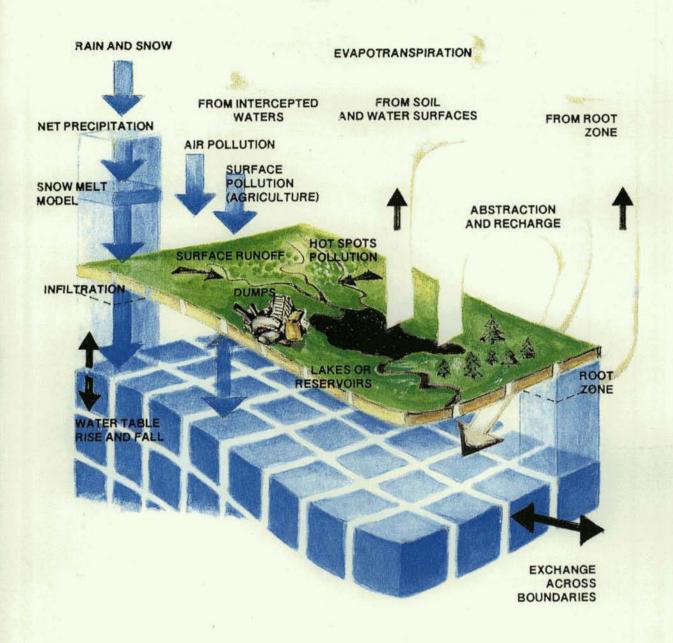


Annex 57

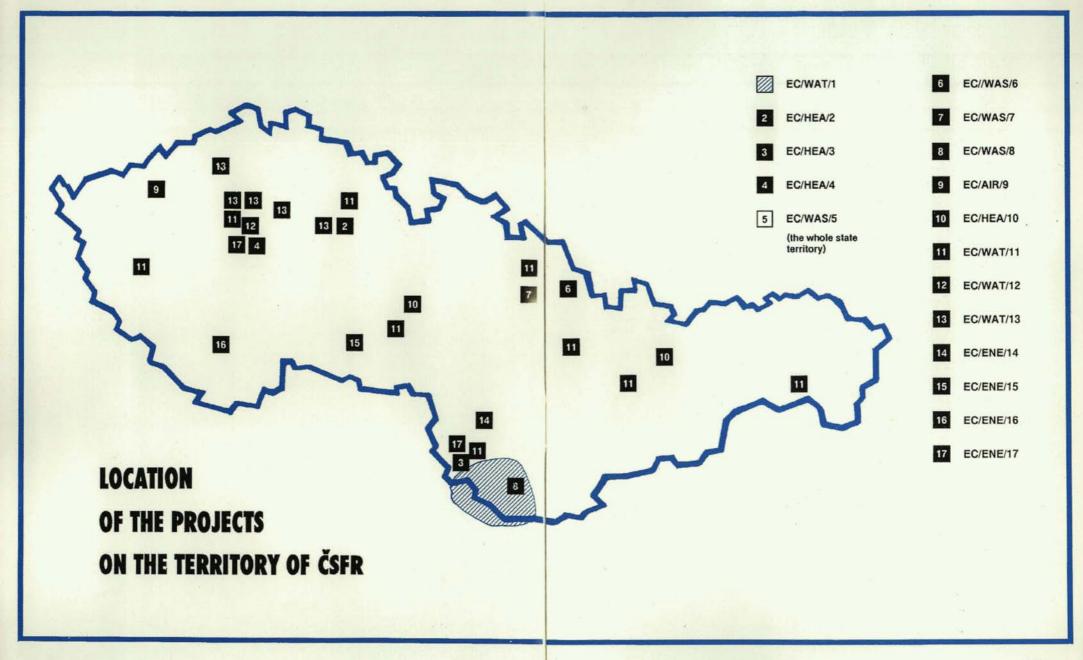
Extracts from official booklet describing the PHARE Program and the Project: "Danubian Lowland - Ground Water Model"







DESCRIPTION: The project aims at creating a three-dimensional model of the ground water flow in the area of the Danubian lowland, which will serve as an analytic tool for decision-making on engineering and other activities in the region. The model will be utilized particularly in the decision-making related to the protection and utilization of water resources in the region and in relation to the planing of the future operating of the Gabčíkovo water dam. Comprehensive hydrological, geological, biological, chemical, microbiological, ecological and other data will be used for its elaboration.



Annex 58

PROTOCOL

FROM THE NEGOTIATIONS OF THE PLENIPOTENTIARIES OF GOVERNMENTS OF THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC ON CONTINUED COOPERATION IN THE CONSTRUCTION OF THE GABCIKOVO-NAGYMAROS PROJECT, HELD ON JUNE 8 -9, 1989 IN BRATISLAVA

(Translation)

Participants are listed in the Annex No. 1 to this Protocol. Government plenipotentiaries agreed on the following agenda:

- 1. Schedule of putting into operation of the structures of the Gabcikovo project.
- Payment of additional cost incured by the extension of the built in 400 kV Switch Room of the hydroelectric power plant Gabcikovo
- 3. Report on the activity of Joint Operation Group
- 4. Organization of operation and accounting of operational costs
- 5. Miscellaneous

1. Schedule of putting the structures of the Gabcikovo Project into operation

Plenipotentiaries of both Governments took note of the "Schedule of putting into operation of the Gabcikovo Project". The schedule is included in Annex No. 2 to this Protocol. Government plenipotentiaries note that the basic terms agreed on at the meeting, held in Budapest from February 1 - 3, 1989, were reflected in the schedule. The date of shifting of navigation

transfer into the bypass canal is to be specified by the end of September 1989.

Government plenipotentiaries agree to a proposed putting into operation on the basis of permission from competent authorities, in compliance with conditions preliminarily agreed to.

Government plenipotentiaries asked the leaders of the Joint Operation Group (JOG) to supervise of schedule implementation and to submit a report on it at the next meeting of Government plenipotentiaries.

2. Payment of additional cost incured by the extension of the built in 400 kV Switch Room of the hydroelectric power plant Gab@ikovo

Government plenipotentiaries take note that the cost of the built- in Switch Room and the section Gab@ikovo (state border of the long-distance transmission line 400 kV Györ-Podunajske Biskupice) will be carried by the Hungarian side, and accounted in accordance with the agreement of general directors of the Slovak Electricity Co. Bratislava and MVMt Budapest. Technical specification of deliveries asked by the Czechoslovak side for settling the costs and the schedule of deliveries had been developed.

Government plenipotentiaries asked the JOG heads to agree on terms of payment and to inform them regarding this agreement at next meeting.

3. Report on the activity of the Joint Operation Group /JOG/

The report on activity of the JOG leaders is enclosed as Annex No. 3 to this Protocol.

On the basis of detailed justification of changes offered by the JOG leaders, the Government plenipotentiaries take note of the up-dating of operational facilities for the Gab@ikovo step and the old riverbed of the Danube.

Government plenipotentiaries note that JOG developed a system of joint assessment of data obtained from measuring and monitoring equipment.

Government plenipotentiaries ask the JOG heads to develop, in addition to this joint assessment, a draft of Rules for cooperation in processing, mutual exchange, and access to information and/or data. This draft is to be submitted at the next negotiation of plenipotentiaries together with the report on measurement results and on monitoring of the so called "O" condition.

Government plenipotentiaries ask the JOG heads to develop a joint draft for organizing the removal of the earth closure downstream of the hydroelectric power plant Gab@ikovo in a manner which would allow the payment of additional costs in local currencies.

Government plenipotentiaries agree, that as part of adjustments within in the old riverbed of the Danube, the fortification of fords in the old riverbed of the Danube will be carried out under joint investment.

Government plenipotentiaries ask the JOG heads to submit at the next negotiation the following:

- The changes in the technical solution of JCP of the old riverbed of the Danube
- design of bed sills, including the facilities for sporting navigation and

- specification of cost.
- 4. Organization of operation and accounting of operational costs Government plenipotentiaries note that the head of the Czechoslovak delegation to the JOG appointed Czechoslovak members of the Working Group for the joint elaboration of joint proposals for organization and accounting of operational costs. The Hungarian side has not yet appointed its members for this Working Group. It is for this reason that the materials requested for consideration by the Government plenipotentiaries have not yet been submitted.

Government plenipotentiary of Czechoslovakia again emphasised, that due to progressive initiating of the operation of Gab@ikovo structures since December of this year, it is necessary to agree on the organization of joint operation and on methods of accounting of operational cost. The Hungarian party was asked to give priority to a speedy elaboration of joint proposals for resolving the above-mentioned issues.

The Hungarian side will appoint the members of this working group by June 16, 1989 and will notify the Czechoslovak side accordingly.

The plenipotentiary of the Czechoslovak Government has stated that the Czechoslovak side is currently studying the possibility of establishing a joint venture for the operation of the G/N Project. The material will be submitted to the Hungarian side shortly.

5. Miscellaneous

a/ On May 13, 1989 the Council of Ministers of the Hungarian People's Republic announced its decision regarding the temporary suspension of all works connected with the construction of the Nagymaros project, and that ecological, seismic, and other of the construction will be assessed by a group of experts.

The plenipotentiary of the Czechoslovak Government protests against unilateral decision of the Council of Ministers of Hungary, which violates the principles of the interstate Treaty on Construction and Operation of the Gabcikovo-Nagymaros System of Locks. The Nagymaros project is one of the structures of the joint ownership of the Treaty parties, and according to the interstate Treaty the costs for construction of the structures are shared in equal proportion by the Czechoslovak and Hungarian sides. The Council of Ministers of Hungary would act in violation of the Treaty, if it decided alone in matters of joint Czechoslovak-Hungarian ownership.

With regard to the understanding of the Prime Minister of Czechoslovakia and the Chairman of the Council of Ministers of Hungary of May 24, 1989 on establishment of a joint group of experts for assessment of ecologic, seismic, and other conditions, the Czechoslovak plenipotentiary asked for an accelerated submission of materials which lead the Council of Ministers to suspend construction works at the Nagymaros project, so they can be studied.

b/ The Council of Ministers of Hungary appointed on June 5, 1989 Dr. László Udvari, the State Secretary of the Ministry of Transportation, Communications and Building Industry, as Government Commissioner for Management and Coordination of the Domestic and International Activity on the G/N Project connected to the suspension of some work at the Nagymaros Project.

Dr. László Udvari, the State Secretary, who took part in the initial negotiations of government plenipotentiaries, informed in details the Czechoslovak plenipotentiary on the decisions of

the Council of Ministers of Hungary and on tasks assigned to him by his new appointment.

The Hungarian Government Commissioner and the Hungarian plenipotentiary stated, that the Hungarian side will complete construction of the Gabcikovo Project in the agreed time and in accordance with the project plans. Directives have already been given to continue works suspended in the area due to misunderstanding.

c/ The next negotiations of plenipotentiaries of both Governments will take place in Hungary in September 1989.

This Protocol has been done in duplicate, in the Slovak and Hungarian languages, both texts being equally authentic.

Bratislava, June 9, 1989

Plenipotentiary of Czechoslovak
Government

Plenipotentiary of Hungarian Government

(signed)

(signed)

Ing. Vladimir Lokvenc

Havas Peter

LIST OF PARTICIPANTS

For Czechoslovakia:	
Ing. Vladimir Lokvenc	- plenipotentiary of the
Czechoslovak	Government
Ing. Július Cigánek	- Ministry of Forestry and Water-
	Management, and Wood-Processing
	Industry of the Slovak Republic
Ing. Miroslav @ándor	- Office of the Government of the
	Slovak Republic
Ing. Vladimir P@ílepek	- State Planning Commission
Ing. Franti@ek Jelinek	- State Commission for Scientific-
	Technical Development
Ing. Ladislav @ern@	- Federal Ministry of Fuel and
Power	
Ing. Milan Donoval	- Ministry of Building Industry
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Ing. Josef Oblo@insk@	- Head of the Czechoslovak part
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Ing. Frantisek @1@ek	-
Ing. Helena Mú@ková	- Office of the Government of the
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Ing. Magdaléna Srncova	- Office of the Government of the
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Ing. Gabriel Jen@ík	- Office of the Government of the
	Slovak Republic

For Hungary:

Enterprise

Dr. Udvari László

Marieta Valentová

- State Secretary, Ministry of
Transportation, Communication and
Building Industry and the

- Water-Development State

Bratislava

Commissioner of the Hungarian
Government

- Plenipotentiary of the Hungarian Government

- Consulate General of Hungary in Bratislava

- State Planning Office

- Ministry for Environment and

Management

- Head of the Hungarian part of the

- Ministry of Industry

- State Institute for Development

- Trust of Hungarian Power

Havas Péter

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Szántó Miklós Jog

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Farkas Mihaly Reti Sandorne Vadasz Gaborne

- OVIBER

- OVIBER

- OBIVER

REPORT ON THE ACTIVITY OF THE JOINT OPERATIVE GROUP.

1. Detailed justification of up-dating of operation units as compare with JCP.

In accordance with the provisions of the Treaty, Hungarian side is responsible for the supply of operational equipment

for all sections of the G/N System of Locks. The agreed list of operational equipment is contained in Chapter 1-9 "Other investment" of the Joint Contractual Plan.

a.) Within the scope of the "Gab@ikovo section" the Hungarian side should have delivered to the Czechoslovak side:

1/	Ice-breaker 600 HP	2	pieces
2/	Inspection motor boat 32 HP	2	**
3/	Electric truck	2	**
4/	Workshop equipment	а	set
5/	Complete diving outfit	a	set
6/	Motor vessel 100 HP	2	pieces
7/	personal motor car	2	#1
8/	lorry 0,5 t	1	**
9/	truck 5,0 t	1	VI

Budget for above-mentioned equipment amounted to 41,1 mil. of Czechoslovak Korunas (CSK) or 78,4 mil. of Hungarian forints (HUF) in JCP.

The Czechoslovak side asked for a substitution of two ice-breakers with output 600 HIP by two ice-breaker with output 700 HIP of push-touring type. This request was necessary because the Czechoslovak side must use the ice-breakers as tug boats as well. In addition to that, under new regulations of the Czechoslovak Ship Registry, all tug boats operated by Czechoslovak companies must be of push-touring

type. Thus the price of two ice-breakers increased from 36,0 mil.K@s to 41,04 mil CSK., or 72,96 mil. HUF. From the total original cost, the remaing balance covering the parts of operational equipment of the "Gab@ikovo section" is:

41,1 mil.CSK - 41,04 mil.K@s = 60 thousand CSK or
78,4 mil. HUF - 72,96 mil.HUF = 5,44 mil.HUF

Because this increase in the price of the ice-breakers was caused by technical modifications requested by the Czechoslovak side, the Czechoslovak side will buy the remaining necessary parts of operational equipment for the "Gab@ikovo section" at its own expenses.

The balance of the original budget (0,06 mil. CSK or 5,44 millions HUF) will be listed in the evidence of over-taken works with the Hungarian side.

b.) Within the scope of the "section of the old riverbed of the Danube" the Hungarian side should have delivered, both for their own and Czechoslovak needs:

1/	crusher ERTI-27	3	pieces
2/	caterpillar driving machine /DT-75/	2	11
3/	driving machine with rubber wheels		
	MTZ-70	3	Ħ
4/	hydraulic grap on a floating body	1	11
5/	sand loading machine 1,0 m3	2	н
6/	self-propelled grap 0,5 m3	2	11
7/	dump truck /tipping lorry/ 4,5	25	5 "
8/	mixer 5,5 m3	1	Ħ
9/	concrete pump /Raba-Schwing/	:	L "
10/	schrubbary cutting machine	:	L "
11/	hydraulic rotary cutter		L "

The sum of 11,28 mil. CSK, or 25,2 mil. HUF was planned for the purchase of this equipment. Half of this equipment should have been given to the Czechoslovak side.

In 1988, the Czechoslovak side requested the delivery of a gloating platform with anchoring capabilities for the "section of the old riverbed of the Danube". This request was based on the need to obtain a floating platform with a loading capacity to carry out protective underwater stone fortifications (Gab@ikovo stilling basin).

The price of this platform represents half of the costs planned to operate the facilities for the concerned section of the Project, i.e. the whole share belonging to the Czechoslovak side. The Czechoslovak side will buy, at its own expense, other equipment needed for the maintainance of the old river-bed of the Danube.

2. System of joint assessment of measured data at measuring and monitoring equipments of the Gab@ikovo Project

The Joint Contractual Plan of Measuring and Monitoring Equipment was developed in four stages for the control of structures and management of G/N Project.

In the first stage of the JCP the type and location of required measurements and equipment for measurement was specified.

In the second stage of the JCP the accuracy, frequency and method of respective measurements was specified.

In the third stage of the JCP the concept of extreme limits and assessment system for measurements and monitoring was determined.

In the fourth stage of the JCP the programme of monitoring the conditions of the reservoir dykes, river-beds and canals of the Project in test operation, during the final operation and zero setting was developed.

The program has been divided into three main parts:

- HYDROLOGY: This deals with water stages, discharges, bedload and suspended load, as well as changes of river-beds and canal-beds.
- GEOTECHNICS AND SEEPAGE: This deals with analyses of earth structures deformation, groundwater flow direction, velocity, gradients, etc.
- WATER QUALITY: Here, a set of ecologic and biological parameters, required for evaluation of water quality in the reservoir and in seepage canals, has been developed.

Annex 59

LETTER FROM THE HUNGARIAN GOVERNMENT COMMISSIONER TO THE CZECHOSLOVAK GOVERNMENT PLENIPOTENTIARY

(Translation)

Bratislava, June 9,1989

Dear Comrade Lokvenc,

I have the honour to inform you that I have taken necessary measures for the immediate resumption of work on the reservoir dyke on the Czechoslovak side and of work on the Hungarian side. The work to be carried out by Hungary on other Czechoslovak sections will continue on Monday.

Please inform competent Czechoslovak governmental authorities of the above-mentioned fact.

With comrade's regards

(Signed) László Udvari

Com. Vladimír Lokvenc Government Plenipotentiary

<u>Bratislava</u>

(Translation)

"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-Chairman 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 Laszlo 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-Chairman of the Council of Ministers of the PRH addressed to Comrade Pavel Hrivnak, the Vice-President of the Government of the CSSR, the documentation prepared by the Hungarian Academy of Sciences regarding the environmental/ecological/water-quality and seismological effects of the termination, as well as the completion, of the Gabcikovo-Nagymaros Barrage System's Nagymaros Barrage, which, according to the contents of the letter, he proposes be debated by the Hungarian-Czechoslovak scientific/professional workgroup and that proposals be worked out on the basis of these discussions.

The Hungarian Commissioner further delivered the document prepared by the work group summarising and editing ecological problems of the Gabcikovo-Nagymaros Barrage System and which contains 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 Gabcikovo-Nagymaros Barrage System, and the scientific and professional bibliography utilized during the compilation construction 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 CSSR or Hungary. In the name of his Government, he is sure that on the basis of the proposed document transfer and work-programme, we can create the conditions for successful negotiations.

The Plenipotentiary of the CSSR accepted the aforementioned letter and two documents and determined that the Hungarian Party had informed the Czechoslovak Party of the temporary suspension of construction on the Nagymaros Barrage on 13 May 1989. On 26 June 1989, that is, 44 days subsequent to the above, he gave us 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 CSSR'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 PRH, 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]

[signature]

Dr. Laszlo Udvari

Vladimir Lokvenc

Commissioner of the

Plenipotentiary

Council of Ministers of the PRH

of the CSSR

Appendix

Participants of the Discussions

On the Hungarian Part:

Dr. Laszlo Udvari

Commissioner of the PRH,

State Secretary of the Ministry of

Transportation, Media and Construction

Pal Benyo

Deputy Chief Department Head at the

Foreign Ministry of the PRH

On the Czechoslovak Part:

Vladimir Lokvenc

Plenipotentiary of the CSSR

Vlastimil Ehrenberger

Extraordinary and Duly Authorized

Ambassador of the CSSR

Karol Ujhazy

Counsellor for the Embassy of the CSSR

Michal Slovak

Secretary of the Embassy of the CSSR

Helena Muckova

Employee of the

Commissioner of the CSSR

Annex 61

HUNGARIAN ACADEMY OF SCIENCES

(Translation)

Seismological and environmental-ecological effects, and influences on water quality in case of realization, or suspension of the construction of the SHP G-N.

Budapest, June 1989

JUDGEMENT

on seismological and environmental-ecological impacts, and effects on water quality in case of realization, or suspension of the construction of the SHP G-N

Basic situation

The chairman of the Council of Ministers asked the chairman of the Academy to accept the proposal for cooperation in the further appreciation of environmental impacts, resulting from the suspension of works at Nagymaros project. The chairman of the Academy charged a special commission with this task. The commission worked in 3 working groups according to scientific fields:

- hydrology and water quality /aquatic ecosystems/
- over-land ecology /dry-land ecosystems/
- geology and seismology.

The prime objective of this task was to estimate seismologic and environmental-ecologic impacts, expected in case of discontinuation of the SHP Nagymaros construction.

Before the drawing up of the judgement and its justification the commission stated that:

- the study of the effects of the group of structures and equipment at Nagymaros can be assessed only in the connection with the whole system of hydropower projects, i.e. taking into consideration the effects of diversion canal and Dunakiliti reservoir, and of the Gabčíkovo project

- the suspension of Nagymaros project construction will ensue a substantially changed situation as compared with the planned one /further groundwater decreasing, formation of shallows and fords/, which was not considered in any technical variant.
- The Danube is a very complex, constantly changing ecosystem /water discharge, flow rate, pollution, atc./, therefore neither parameter is allowed to be considered as stabile,
- in forecasting of environmental-ecological impacts we often obtain circumstances, from which it is not possible to derive exact conclusions due to inadequate knowledge.
- in estimation of ecological impacts it is necessary to place emphasis also on time factor, which will determine the succession of construction processes, therefore models in shorter time scale may be misleading.

1. STATEMENTS

With the aim to emphasize significance of respective factors we had separately estimated hydrobiological impacts, effects on water quality, on over-land ecology, and geological and seismological aspects had been dealt with particularly.

1.1 Hydrobiology and water quality

The issues of water quality, expected in the connection with SHP G-N construction, had been dealt with in details in the final report of the UNDP/WHO/OVH project, /"Concerned territory of water quality regulation in Hungary!"/. However an extensive thorough study, required for decision making, has been carried out only in a small extent. "The study of environment effects of the SHP G-N"/Budapest, June 1985, 67 pages, 25 tables and 19 Fig./, is not complete and sometimes contradictory as far as the hydrobiology is concerned, as well as bacteriological water quality. According to the work of VIZITERV published as "Summary of research works in the connection with the SHP G-N"

/1951-1988/ from 340 research reports only 24 have dealt with the issues of water quality /hydrobiological and ecological problems/, however even these reports did not solve adequately occuring problems.

Since water quality estimation calls for long-term data basi which is not yet developed, thus we have to rely on data obtained in the investigation of the Danube water, carried out for other purposes, or on data published in international professional literature, which can be applied only partly.

It is to be expected that changes in the Danube channel between Palkovičovo and Nagymaros will be caused by the Gabčíkovo project and Dunakilití reservoir, where the selfpurification processes will be enhanced with ensuing increased amount of organic matter, and by the diversion canal, if the Nagymaros project would not be constructed.

Inspite of many cautions respective partial investigations, as for instance microbiological study, have not been carried out yet, /bacteriological, virological, toxicological studies/ as well as the effect of wooden material and soil cover layer, remaining in the Dunakiliti reservoir, has not been investigated.

If the construction of the Nagymaros project will not be realized, all negative effects, affecting environment on a 100 km long reach, will not take place, especially those following from peak operation, from stable high water stage and lower flow rates. Consequently also the abundant growth of algae, coming from Gabčíkovo will not stay in the Nagymaros reservoir. All negative impacts caused by peak operation, will not take place, as well as effects of counter flow, back water and repeated water fluctuation Since the peak operation cannot be realized withou Nagymaros project the important selfpurification processes within the active river bank zones will not be disturbed, as well as fish management.

Also the surface water abstraction for drinking water supply will be positively influenced by the suspension of SHP Nagymaros construction with regard to water quality, however some experts opinion is, that the SHP G-N as a whole would not negatively influence water withdrawal by means of bank infiltration for Budapest.

On the basis of present knowledge it is difficult to fully understand the modification of bank infiltration process resulting from peak operation. Due to turbulence and sedimentation positive and negative variations may be expected. If the Nagymaro project would be completed, negative changes caused by sedimentation of pollutants may be expected in the reach Lábatlan-Nagymaros. From the long-term point of view colmatage may result, negatively influencing a part of wells on the Szentendre Isle.

1.2 Over-land ecological aspects

Over-land ecological impacts include pedologic-agricultural and environmental-aesthetic aspects.

1.2.1 Pedologic-agricultural-ecologic impacts

Expected pedologic-agricultural-ecologic impacts will manifest themselves in variations of physical, chemical and biological characteristics of the soil water regime. Modification of the groundwater level will influence water supplying of cultivated crops and original vegetation, and aerobic-anaerobic biodynamics, while ground water contamination from various sources will influence the toxicity of soil medium. As to avoid these harmful interventions into the natural environ expensive secondary investments are becassary.

If those secondary investments will not be realized

- the biochemical cycle of matters within the soil will be negatively changed,
- biological activity and fertility of soil will decrease, and sensitivity of soil towards dry conditions and flood water will increase,

- agroecopotential will decrease, i.e. the production will be more dependent upon meteorological conditions.
- the self-purification capacity of soils will decrease /degradation of carcinogenic hydrocarbon cpmpounds, etc. and ability to absorb toxic substances from the atmosphere /polycyclic hydrocarbons, nitrogen oxides atc./,
- microbial flora, characteristic for fertile soils, will be destroyed, with resulting reduction of biological nitrogen content and deterioration of soil structure, with following decreasing crop yields.

As far as the water regime of soils is concerned it may be assumed, that where currently the groundwater level is within the fine cover layer, due to the effect of SHP G-N construction it will drop into the gravel subsoil, the capillary supply of the root zone will discontinue, the water regime of the flood plains will be changed /usually floodplain forest ecosystems/,water level in respective dead branches and meanders would either drop, or dry up.

Water regime in soil will result in variation of the cycle of substances in the soil. Carbonacewous layers, accumulating lime, layers of concretions, development of limestone ripple: and shoals will change the soils to lands with shallow fertile layer, sensitive to dry weather conditions. In territories with decreasing groundwater level mineralization of plant residue will be accelerated and soil structure will deteriorate. The soil will be inadequately serated, with concomitant anaerobic processes.

1.2.2 Natural protection and mesthetics of the landscape

Construction of the SHP G-N will disturb in a considerable way the value of the nature and the sesthetics of the landscape. Studies, carried out up to the present time are territorially confined and take into account only a small part of the nature.

It is to be expected, that due to changed hydrodynamic conditions considerable degradation of living communities will occur. It is well known, that vegetation and animals are a valuable part of the nature and irretrievable part of national assets. Many countries try to conserve and preserve riparian forests, as for instance in Austria close to Hainburg.

The expected vegetation changes will also brig about deterioration of the genetic variability of the wild life - fauna and flora. This loss may lead to disturbancies in ecosystems.

The variability of the countryside is determined by so called border lines, confining the respective ways of utilization, types of cultivation. The Danubian riparian regions have a typical aesthetic character, which would be preserved in case of Nagymaros project suspension. The character of the river shores influences the use of the adjacent territories. Gravel-sand shore is suitable for ship landing, and 70 km of the Danube reach in the recreation area Dunakanyar will be preserved without steep, stone -protected dykes, disturbing the charcater of the landscape.

1.3 Geologic and seismologic aspects

Surveys and investigations, carried out up to the present, are not sufficient for estimation of the seismologic safety on the concerned territory /including Nagymaros/.

1.3.1 In the course of works attempts were made to assess the level of quailable data in geology and in engineering geo-logy. "Summary reports" /OVF VIZITERV, 1967', VIZITERV 1978, KBFI 1981, BME 1989/ characterize respective stages of planned

research works, started in 1951, and going on up to the present. It was not possible to study the complex documentation, partial reports, research data and basic materials of designing within the short time span. There should have been available a complex geological final report including the whole concerned to tory, as well as detailed map on the surface depth of the gravel subsoil.

Conditions of the geological documentation, executed in the scale 25 000 for the broad environment, in the scale 2 000 for the planned area of construction, and in the scale 500 for the mea of structures and facilities, are adequate, the geologic-engineering-geologic data on the territory are a reliable basis for planning of respective tasks.

Geologic investigations /geological-tectonic, engineering-geological photographs of the Nagymaros construction pit, hydrogeological monitoring of the Szigetköz and Esztergom, auxiliary aerial photograps and their evaluation, utilization of the results of complex geological mapping of the Kissalföld/, being carried out nowadays may give answers to three issues:

- afford more detailed geological conditions under the Nagymaros project /structural boundaries, volcanic contact zones/,
- effect of refilling on flood control measures and on groundwater changes, on karst water patterns in Dunántul Középhegység /with special emphasis on Szigetköz, Táti Island, Dorog, Esztergom, and Lepence valley/, anduon the present state in mining industry,
- hydrogeological conditions of the system of SHP territory as influenced by suspension of the Nagymaros construction.

1.3.2 Seismology

Respective countries consider differently the effect of earthquakes in planning and executing of construction works. In Hungary recommendations of the Technical regulation of the Building department MI 04.133-81 are in force. According to this regulation with regard to seismic protection the dams Gabčíkovo and Nagymaros belong to the Ist protection category, because the "undisturbed operation and safety represent an universal interest."

On the basis of geologic-geophysical investigation it is necessary, in agreement with international practice, to identify the extent of earthquake hazard. /The assessment and mitigation

of earthquake risks, UNESCO ISBN 92-3-101451-X; Building Construction under Seismic conditions in Balkan Region, UNIDO, Vienna, 1984; Proceedings of the 8th European Conference on Earthquake Engineering, EAEE, Lisboa, 1986, etc./

Geologic, geophysical and geodetic methods of seismic parameters assessment are available, so that the study is feasible.

Seismic conditions of the planned hydropower project were determined by the Czechoslovak-Hungarian experts meeting in Bratislava, in November 1965, on the basis of that time international experience. Expected values of intensity were estimated on the basis of shocks occured in the past /especially in Komárno in 1763/. The study did not include the Nagymaros area. The material from the meeting presents the them valid Mercalli-Cancani-Sieberg /MCS/ scale of intensity and acceleration values /substantially changed after acceptance of the Medvedev-Sponheuer Karnik /MSK-64/ scale, along the Danube channel only to the border. Later no additional study of the area Gabčíkovo and Nagym had been carried out in Hungary, neither do we know newest results from the Slovak side, In respective cases /due to time shortage it was not possible to study the whole documentation. applied in the course of planning/, tha data on shifting, velocity and acceleration, used in the course of planning, are not identical with those, approved today /see Table, comparing the data from page 15 of the study No.L4754/9 "Seismic aspects in the stability survey at earth works of the SHP G-N" with data recommended at present. It is necessary to investigate their effect on planning documentation of the SHP G-N.

PYanning data /1966/

Presently approved data

Degree	acceleration		shift	acceleratio	n velocity	shift
7	0m/8 12-25	1.0-2.0	0.5-1.0	50 -1 00	4.1-8.0	2.1-4.0
8	25 - 50	2.1-4.0	1.0-2.0	100-200	8.1-16.0	4.1-8.0
9	50-100	4.1-8.0	2.1-4.0	200-400	16.1-32.0	8.0-16.0
10	100-200	8.1-16.0	4.1-8.0	400-800	32.1-64.0	16.1-32.0

Over the period of almost 25 years since the meeting of experts in Bratislava, the seismology undervent a significant development and in the connection with itialso the forecasting of expected vibrations and shakes. It was confirmed that dimensioning on the basis of data on intensities and accelerations. derived from past known earthquakes, are no more sufficient. Modern seismological parameters must be based on complex geologic, geophysical and geodetic studies. Duration of required geological investigations may be assessed only on the basis of evaluation of already existing information. Without them it may be proceeded only from the most conservative assumptions available in seismology, which will increase the investment and construction cost. In the case concerned the expected intensity value in the area of Nagymaros /and Gabčíkovo/ would be in the range 9,0 - 10,0 degree on the basis of available seismologic maps and catalogues /Hungarian Earthquake Catalogue /456.1986/ by T. Zsiros, P.Monus, L.Toth, Budapest, 1988, Seismic zoning map of Czechoslovakia - version 1987 by V.Karnik et al., Studia geoph.et geod. 32, 144-150, 1988. Scheme of Earthquake Provinces, by V. Karnik, Z.Schenkovi, V.I.Bune, Prague, 1978/.

2. RECOMMENDATIONS

The meeting of the programme of wastewater treatment plants construction has been delayed on the Hungarian as well as Čs side. This was one of the conditions for the full operation of the SHP G-N. It is evident, that when the Nagymaros project would not be constructed, the schedule of wastewater treatment plant construction may be kept according to situation in national economy. It is necessary to solve the problem of treatment of industrial wastewaters in both countries, as well as decreasing of toxicity. As the new studies revealed, even if all these conditions will be fulfilled deterioration of water quality cannot be avoided due to eutrophication, occurring in the Dunakility reservoir.

- -- It is to be taken into account that due to Nagymaros project construction the prolonged retention of water will result in further deterioration of trophic conditions and depositing of various sediments. In sediment zones containing toxic substances fermenting layer may be developed /sapropel/, characterized by putrefactive processes. It is necessary to prevent the development of toxic compounds, hazardous to human life even in small amounts.
- In case of Nagymaros project construction a part of hazardous substances deposited and washed out from the inner bitumenous coating of the diversion canal may, under anaerobic conditions, causing increased toxicity, and due to water disturbance penetrate into the groundwater. The health risks of substances washed out from bitumen, have not been completely studied yet. as well as consequent effect on drinking water supply.
- -- If the Nagymaros project will be cancelled, it is possible to realize peak operation at the Gabčíkovo project, though by means of a different operation system. However, this possibility is to be excluded due to hydrological and ecological interests and water quality protection.
- -- If the Nagymaros project would not be constructed, the operation at Gabčíkovo project would be varied, with resulting decreasing of water level fluctuation in the Dunakiliti resrvoir, flow rate changes and sedimentation. On the basis of data on changed operation it is necessary to estimate the impacts on hydrobiology and water quality in the reach Palkovičovo-Nagymaros. It is also necessary to study the effect of required interventions on the upper reach, e.g. effect of interventions which had not been performed /dredging, bank regulation/ on the left side Danube tributaries, as well as Danube channel training.

- If the SHP G-N would be realized only partly /without the Nagymaros project/ and without peak operation, the negative impacts on environment will not ensue not only in the Nagymaros area, but also on the upper section of the river power project system they would be moderate. However, also in this case the regulation of groundwater conditions and measures for prevention of water quality deterioration would be required, their providing being an ecological precondition for the SHP operation.
- -- There is not considered planting of trees in the designs. Where the flood control measures allow the afforestation, we recommend it, thus making the dyke zone more aesthetic.
- -- For reliable forecasting of ecological impacts of the SHP system a continuous monitoring is required, lasting at least 5 years from the starting of Gabčíkovo operation. Emphasis is to be placed on the study of all biological indicators, revealing the changes of environmental conditions.
- -- The concept of industrial development has not been worked out neither on Hungarian nor on Slovak territory, and thus it is not possible to estimate the expected industrial pollution and necessary control measures, required for long-term SHP operation. Concept of industrial development in the concerned regions is recommended.
- An important objective is to interconnect the geology and the system of monitoring, the protection of geological ambient, survey of hydro-geological-sedimentological measuring systems, systematic aerogeological monitoring, investigation of the conditions in undisturbed soils by means of geophysical penetrometers, control of protection dykes conditions within the dispatching system, etc. The topmost priority is to be placed upon the monitoring systems of seismic signals, which should be developed in a network harmonized with the ČS party.

- This report should be estimated by an experts commission, which would select the key issues for decision making on corresponding level. If the Nagymaros project would not be realized, this should be performed also for the variant solution.
- -- Ensuing from the inadequate seismologic survey an intensity in the range 9.0 10.0 degree may be assumed on the territory. Since these values are rather high, it is necessary to identify with higher precision the earthquake risk by means of a complex geological geophysical geodetic study. It would be useful to perform this study by means of Czechoslovak-Hungarian cooperation.
- --- } kinds of damage caused by earthquake on the territory of SHP are to be investigated:

The risk arising from shakes of various intensity on the dynamically reacting structures, as well as the circumstance, in what extent the basic assumptions will change on the basis of new values of shifting, velocity and acceleration.

The flood wave in the section of tailrace is to be considered and simulated, which would occur in case of structure opening or of its enclosing basis, and which would displace the bottom sediments and convey them to other places, which can happen on the whole reach Nagymaros-Budapest.

Water level increasing in the direction towards diversion canal due to eventual structure closing is to be studied and to worky out preventive measures for this case. /Results of Slovak model experiments are not available, VÚVH. Bratislava, concerning the structures in Gabčíkovo and Dunakiliti/.

SUMMARY

It may be stated, that over the period of planning and designing of the construction, the environmental impacts on the ambient and effects on water quality have not been sufficiently considered. At present, it is not possible to make a complex evaluation of the impacts on environment due to the complicated ecological processes, scarcity of measured data and computations.

Data of a monitoring system, operated only for a short period and in limited area, are not sufficient for forecasting of eventual long-term impacts. As to extend and precise the required data studies lasting several years will be necessitated. Expected water quality changes will result in changes of aquatic life, sail fertility, and recreation patterns of the region, influencing the tourism.

The highest risk is arising from drinking water quality deterioration, endangering living conditions of 3 mil.of populati

Budapest, June 23. 1989

ABSTRACT MATERIAL

(Translation)

Professional summary of risk factors ensuing from ecological hazards, which influenced the decision of the Hungarian Government to suspend the works at the Nagymaros Project

BUAPEST, June, 1989

The summary and bibliography do not include the whole scientific documentation of the System of hydropower projects, and present only an excerpt of materials, which were not considered previously and which influenced the decision to discontinue the works.

Ecological impacts

Conditions, defined by the Hungarian Parliament in September 1988, placed the topmost priority upon ecological aspects, which must be considered in the operation of the System of Hydropower Projects Gabčíkovo-Nagymaros /SHP G-N/. The planned system would influence the Austrian-Czechoslovak, Czechoslovak, from rkm 1842 to the Ipel river mouth 86 % of the Czechoslovak-Hungarian reach of the Danube, and in addition, it would extend to rkm 1696 on the Hungarian reach, and would decisively change its hydrologic, hydrobiologic, and ecologic character and their functional character. This reach, the main river channel, flood plain and dead branches, create a complex system, the elements of which being interconnected, and undisturbed function and results of each sub-unit are essential for existence and function of other sub-units and types. Since the river and its flood plains dead branches create an organic unit, it is impossible to divide the damages, which would occur on the "Czechoslovak" and "Hungarian" side.

The SHP G-N construction would influence the living communities along the river, the forests in the flood plains, dead branches and marsh-ridden areas, the most fertile areas and diverse localities with special fauna and flora. For their maintenance the streaming conditions in rivers are decisive, and at the same time they are important for keepeing the life and water quality in the rivers.

Due to river training and exploitation the extent of the natural conditions had been confined not only in our country, but also in Europe, hence it follows, that the value of remaining territories is ever increasing.

Direct and indirect effects exerting influence on protection of those territories:

Displacement of the old Danube channel, water level fluctuation, construction of weirs, flooding of lands, felling of trees and preparation of the construction sites, change of nutrients in the remaining stream, damming up of branches, planned development of recreation areas jeopardize, and partly already changed those territories.

Diversified living organisms of those territories are essential for keeping processes, as river water self-purification capacity fish stocks, etc., which represent an economic value difficult to be expressed in financial means. It was also stated that some of those processes, as for instance the genetic variety of the natural flora and fauna, would represent in the pear future very high economic values.

The value of products, obtained directly or indirectly from the natural living organisms, may be estimated as 220 bil.US g per year.

Essential part create products, gained from wild plants or animals. Only a negligible part of natural flora had been investigated from this point of view, however preservation of the natural life is the prime objective for near and far economic development.

At present, emphasis is placed on three ecological functions:

1. Biological self-purification, resulting in purification of 1 000 000 - 5 000 000 m³ of sewage waters, discharged into rivers /the volume of daily sewage effluents amounts to 100 000 m³, during precipitation to 500 000 m³ per day on the Hungarian side, on the Czechoslovak side it is ten times higher/. At minimum planned discharge in the old Danube

channel the biological processes will be unfavourably influenced by water level fluctuation and flow rate decreasing. The organic load and saprobity will increase, or the biologic material developed will be washed into the Danube due to fluctuation on periodically flooded areas, and there it will undergo decomposition. The efficiency of self-purification processes will decrease, since under changed flow rate conditions also the free oxygen amount will decrease.

The elimination of dead branches will result in decreasing of interception and assimilation capacity of the whole system, bringing about increasing of nutrient content in water.

Increasing of trophical potential in the Danube water shows that since early 60-ieth the plankton growth in the Danube increased ten times, the chlorophyll content near Rajka exceeded in several years the value 100 mg/m3. When the first measures to abate eutrophication of the bay Keszthelyi in the Balaton Lake started the maximum According to this index the Dabube water is classified as hypertrophic. Variation of flow rates will result in substantial changes of the mentioned state. The phosphates content near Rajka amounts to 100 mg/m3. nitrates-nitrogen above 3000 mg/m3. These concentrations are much higher as to limit the rate of plankton growth. It may be necessary in drinking water treatement to remove plankton. In well with bank infiltration the plankton sediments may cause releasing of maganese or iron, causing unfavourable taste and odour, or eventually occurence of toxic materials.

The cost for drinking water supply of Budapest will increase.

2. The subsoil on the river bed provides supplying of wells with high water quality by means of bank infiltration. The regions of Hungary with the most densely populated areas and most industrialized localities occur downstream, their drinking water supply being the Danube. The prime objective must by ensuring and protection of this water resource.

Due to the planned Nagymaros backwater these territories, and drinking water supplies occuring there, may be endangered, as well as the water resources for Budapest. Downstream of the Nagymaros project the Danube river channel is getting deeper, and should be artificially deepened, with resulting well yield decreasing, occuring there and being supplied by infiltration. Iron and manganese will occur in water, already identified in some wells of the Szentendre Isle. The Nagymaros reservoir will be successively covered with sediments, which could be contaminated with heavy metals. It will be necessary to perform dredging and dumping of sediments. In case of water level increasing the water may reach the Dunántul karst waters and contaminate them. Due to dredging old sediments may come also to surface, containing tars and heavy metals /mercurv/, with ensuing hazards.

3. Living organisms of the alluvial plains and dead branches, which are examples of "biodiversity" in the central Europe, have a significant role for maintaining many rare and endangered species (for instance 60 types of birds nest in this environment - Ciconia nigra, Ardea purpurea, Casmerodius albus, Halisetus albicilla), several types of ducks and singing birds, etc. The territory is a biosphere of rare and protected amphubians, fish and beatles. The International Union for Protection of Nature - UN included the Slovak Danubian territory into the list of internationally significant territory. The protection of the Danube Island ambient is the task

is the task of the authority Szigetközi Tájvédelmi Körzet. 17 protected terriroties will be jeopardized in Slovakia, as well as 28 territories proposed as protected territories.

Their preservation is endangered by the construction works and planned operation. Similarly the system of corridors, proposed by the Slovak Academy of Sciences /SAV/ would be meaningless, since the population of protected species will decrease in such extent, that their maintenance for the future will be impossible. Alluvial plains of rivers, and consequent characteristic and diversified biotops and living communities had been decreased to minimum in the whole Europe due to river training, construction of dams and power plants. Therefore the significance of remaining territories is ever increasing.

Alluvial plains along the Danube in Austria have been designed as a national park, although their dimensions diversity of species is substantially smaller as existing in territories on the concerned Czechoslovak-Hungarian Danube reach. 17% of the total fisch catch comes from these sections. The most important 5 fish species can live only in streaming waters. Under envisaged conditions they will not be able to survive neither in Dunakiliti, nor in Nagymaros reservoirs. Within the reach of the Danube river, occuring in the Danube Island territory, 80% of the total fish stock reproduce, thus being of importance for the whole Hungarian Danube reach as far as the fish stock maintenance is concerned. The potential decrease of spawning places would bring about extinction of the substantial part of the fish stock on the Hungarian reach of the Danube.

Alterations in flow rate characteristics, changes in bedload and nutrient amounts in water will bring about reduction of living communities, of microscopic water organisms, which are again very important as food for larger organismsm or animals.

As consequence, chain deleterious effects will be created in living conditions of aquatic life of higher genera and of water quality. The majority of floodplain forest ecosystems remained in the alluvial plain along the Danube in Hungary. This rich forest ecosystems are dependent on the water supply from the Danube. Already at the discharge of 600 m3/s the drying up of forests begins in the flood plain, and according to the project only 200 m3/s will flow in the old Danube channel. In respective parts of the Danube Island groundwater level decreasing by 4-6 m may be expected, which cannot be compensated by the seepage system. Present floodplain forest ecosystems are more profitable as the forests, planned to be planted in those localities, thus also forest management will be damaged. The diversity of trees, creating present riverine woodlands, is rather unique. Its disappearance will dratically decrease also the possibilities of their cultivation. It is generally accepted as scientific knowledge that the diversity of life on the earth is essential for keeping the life of human beings.

In our country there is practically no natural territory, which is not affected by man activity. Therefore, it is necessary in planning activity of any kind, to carefully consider the local impacts and estimate them as to avoid all deleteruous effects. Prof. Jakucs Pál worked out a miniprogramme of ecological research of the SHP G-N for OKTH in 1985 on the basis of the regulation "System of conception and requirements for the survey of ecological impacts". It may be stated, that up to the present only partial studies had been carried out, which cannot provide actual ecological results. The extended ecological commission of the Hungarian Academy of Sciences /MTA/ agreed with this statement on April 20,1989 and accepted this opinion. It is our duty to leave to our descendants a habitable environment, with acceptable living conditions.

Realization of the planned SHP G-N construction would result in significant impairment of environment, of living organisms in the concerned territory, and of ecological processes, it would ruin irretrievable living communities or reduce them. Thus considerable economic and estetic injuries and losses would follow, unfavourably influencing almost a half of the Hungarian Danube section.

The project is in contradiction with our responsibility to provide healthy, safe and acceptable environment for present inhabitants of the country and for future generations. Thus, it is not possible to construct the SHP G-N according to the original conception and to operate it.

A major part of unfavourable impacts on the environment is caused by peak operation of the hydropower plant Gabčíkovo. suggest its elimination, thus making the Therefore.we construction of the Nagymaros project unnecessary, and damages of the concerned Danube reach and connected localities less serious. The filling of the Dunakiliti reservoir may be realized only after construction of sewage treatment plants - or after obtaining uniform and suitable Danube water quality. The half of the minimum discharge should be passed into the old Danube channe though 600 m3/s at minimum, thus decreasing the harmful effects on living organisms. It is also necessary to construct compensatory water systems, and work out a project of water discharging, which would ensure systematic monitoring of biological phenomena and holding ptimum conditions /i.e. discharging of larger flow rates over the period of fish spawning or if first signs of forest dry up would be identified. / It will be also necessary to open the closed systems of old river branches, and create such conditions, which would comply in the best way with the original ecological functions.

WATER QUALITY

The term and conception of water quality is considerably narrower as that of ecological river condition. Water quality is characterized by saprobity, toxicity, trophical potential.

Measures invisaged for the Danube water quality protection place priority upon the organic load decreasing. If within the catchment belonging to the Danube reach upstream of Nagymaros on the Hungarian and Czechoslovak territory all waste waters from settlements and industrial areas will be treated in biological /secondary/ treatment processes, then the danger of low oxygen content in water is probably not substantiated. /This statement does not take into consideration sediments/.

Salt content in water is increasing independently on the construction of the river projects, its value is not harmful according to present data.

As far as toxicity is concerned, there is not a complex image about toxic matters, entering the river and about their movement, accumulation and changes within the ecological system, so that it is not possible to estimate their impact after the construction of the river power scheme.

However, it may be stated that sedimentation increasing would potentially increase also the content of hardly decomposable organic micropollutants, as well as heavy metals occurring in the mud on the bed.

Interaction of chemical compounds and living organisms and their consequences are often unpredictable processes. Thus new substances may develop, more dangerous than the original ones. For instance it was assumed that inorganic mercury, which is transferred with waste waters into receiving waters, would be closed into the sediments. However it was revealed,

that anaerobic bacteria will transform inorganic mercury into very toxic compounds, soluble in water - e.g. methyl mercury, and by means of the food chain - plankton and fish they can be consumed by man /Ollos, 1989/. Hence it follows, that since in the Danube sediments can be identified also currently increasing mercury contents, a serious health hazard may ensue.

Trophical potential is increasing due to the Kiliti reservoir, deteriorating the water quality. Available domestic data show, that since early 60-ieth the plankton growth in the Danube is ten times higher. Similar increase found also the research workers in Vienna.

Maximum value of chlorophyll content, characteristic for plankton growth at Rajka, exceeded over several years 100 mg/m³, at Baj 240 mg/m³. When comparison is made, then 15 years ago, when the eutrophication control at the Keszthelyi started, the maximum chlorophyll value was determined as 60 mg/m³. According to OECD when the chlorophyll content exceeds 75 mg/m³, the water is classified as hyper-trophic. According to consistent data presented by Z.T. Dvihally, and Ertl /ČS/ the plankton in the Danube in the section between Rajka and Nagymaros, produces daily 100 t of organic dry matter. This internal load is exactly the same as the external investment load of 5 bil. forints, required for wastewater treatment.

Concentrations of phosphates in the Danube water exceed already at Rajka 100 mg/m³, and of nitrate-nitrogene 4000 mg/m³. These concentrations are of the higher order than those, which would reduce the velocity of plankton growth. These nutrients would not disappear from water even if the plankton mass would increase ten times.

Due to amounts of inorganic salts the plankton growth in olakes is limited, so that eutrophication may be abated. On the contrary

the Danube water is saturated with nutrients, so that plankton may develop exponentially, the growth depending on available light.

The abundant plankton growth in the Hungarian Danube reach in last decades may be consequence of reservoirs, constructed on the upper reaches and tributaries of the Danube, due to which the retention time is prolonged and decreasing of suspended load creating better light conditions due to lower turbidity

According to experts the Dunakiliti reservoir will cause increasing of plankton growth at least twice. The VITUKI workers are of similar opinion. Due to required plankton removal the cost of Abstraction of drinking water from the channel will also considerably increase. As far as wells is concerned supplied by bank infiltration, manganese and iron may dissolve there, and special treatment methods are then required for their elimination. Also taste and odour in water cannot be excluded. All these circumstance would considerably increase the cost of drinking water supply for Budapest.

The amount of suspended load and inorganic matter will decrease in reservoirs, however due to plankton growth the amount of organic matter will increase. The composition of sediments and their fauna will be completely altered, the effect of water regime changes playing also its role.

Prevailing part of organic matter conveyed by wastewaters will decompose due to the selfpurufucation capacity of the river but the plankton will continue to develop even more. Much more plankton was found at Baj than at Rajka. If due to the Dunakiliti reservoir the plankton growth in the Danube will increase, it may caused concern even in Jugoslavia.

It is necessary to get assurance from Austria, that no additional water reservoirs will be constructed, resulting in further water eutrophication.

In what extent will the hydropower Lutilization "contaminate" water depends on circumstances. Since the wastewater treatment does not prevent eutrophication growth, it is, unfortunately, not possible to meet the requirement, that the SHP G-N operation schould not impair the Danube water quality.

TREATMENT OF WASTE WATERS

In case of continuation in the SHP G-N construction it would be necessary to realize all costly measures as to prevent, accordingly to agreements of the inter-state contract, the Danube water quality deteriorating as consequence of the construction and operation.

> Before starting the damming-up, on both sides - in SS and Hungaryand within the whole catchment, the collection and treatment of wastewaters in biological, and in some cases in chemical treatment plants must be provided. Simultaneously with disposal, collection and neutralization of municipal wastewaters also treatment of industrial wastewaters must be provided.

Stress must be put on assessment and development of suitable dumping sites for trash and garbage, as to reduce the point sources of pollution /legal and illegal dumping sites/, as well as diffused pollution sources /e.g. application of fertilizers, pesticides, herbicides, etc./, which will not be conveyed by wastewaters and jeopardize the Danube water quality, as well as water quality of tributaries. Following serious issues have to be solved befor damming-up:

- treatment of wastewaters in the whole region of the Danube Island /Szīgetköz/
- reduction of application of chemical plant protection and ferti
- treatment of municipal and idustrial wastewaters discharged from Mosonmagyarovár, construction of a new retention reservoi: for red sludge
- limitation of illegal /wild/ dumping sites
- treatment of industrial and municipal waste waters from Györ by means of mechanical and secondary biological treatment,
- protection of water quality in polluted tributaries /Rába, Rábca, Marcal/,
- treatment of heavily polluted small water streams / Brooks Cuha, Bakonyár, Concó, Fényes, Unyi, Kenyérmező and Általér/.

- collection and treatment of municipal and industrial wastewaters at Bábolna, Ács, Ászár, Komárom, Almásfuzitő, Lábatlan, Doroz, Osztergom and Tatabánya.

As far as wastewater occurence in the whole catchment on the ČS side is concerned, our estimates according to the catchment area, population and existing industry are, that the pollution is by several orders higher than in Hungary.

According to the estimate of the Watermanagement Authority of the North Danube region loading expressed as BOD, nine times higher than the Hungarian loading, are conveyed from the Slovak side of the Danube in the reach Rajka-Szob.

On the Hungarian side disposal of about 500 000 m³/day of municipal wastewaters is to be safely provided. The city of Györ and its ambient is the most significant source of wastewaters /80 000 120 000 m³/day/. According to available information it is evident that treatment plants with required treatment technology cannot be realized before 1995, or eventually 2000. Another problem is

the connection of population to the sewerage systems, requiring investment cost 50 000 - 100 000 Ft per one apartment. Under present economical conditions of the country neither the population, nor the state budget can cover these expenditures. Another open issue are the problems of treatment, disposal, and storage of sludge from wastewater treatment plants, which is very often hazardous.

On the basis of the contract of 1977, concerning the realization of SHP G-N, all the structures and measures, aimed at preventing or abatement of harmful effects on the Danube water quality resulting from the construction and operation, should be realized within the scope of investment. For fulfilment of this condition there are no financial means for covering these costs in Hungary, and we assume the same situation in ČSSR, not to speak about the above mentioned ecological problems.

The failure of one reactor in the nuclear power plant in western Slovakia in 1977 signalized another potential radioactive Danube water pollution.

It is necessary to get acquainted will all circumstances of this failure. Besides, tritium was identified several times in the Danube reach upstream of Budapest, which according to investigated sources, did not origin from Austria or Hungary.

It is necessary to study the influence of dams and dykes construction on radioactive pollution of the Danube /due to damming-up the retention time of isotopes is longer/, on sedimentation and aquatic life.

The estimation of potential impacts includes the whole water resources development policy. Since the Danube presents the drinking water resource for Budapest, potential water quality deterioration must be considered as a serious aspect.

As far as the probability of occurrence of above mentioned conditions is concerned, the probability of reservoir water eutrophication is estimated as 100%, as well as occurrence of saprobiological problems, with resulting impacts on the population, living close to the reservoir, namely in Slovakia.

Probability of saprobiological problems in the section between the both hydroelectric plants is about 80%. Larger flow rates in the Danube in humid years may decrease the expected serious situation. Changes, occurring between the two hydroelectric plants result in problems with drinking water supply. In case of the construction of the Nagymaros project and its operation in addition to unfavourable effects on wells, supplied by bank infiltration, also the surface water abstraction would be influenced. It is to be taken into account, that currently used technology would not be adequate for drinking water abstraction.

DRINKING WATER

Water bearing systems with bank infiltration are the natural water yielding formations, hydraulically connected directly with water streams, having a certain permeability and filtration capacity. Thus, already filtrated water may be withdrawn from them.

From the geological point of view it is characteristic for the profile of the Danubian type, that under 1 - 5 m thick cover layer, consisting of mud and loess, water bearing layers occur, formed of sand-gravels, gravel-sands or coarse sands, into which the river bed is embeded. The thickness of water bearing layers is diverse. Along the Danube downstream of Komárno to the southern spur of the Csepel Island the thickness is about 5 - 10 m below the lowest water level, however water bearing layers reaching thickness of 150 - 300 m occur on the Little Danube Island.

According to professional estimate available water storage with bank infiltration along the Danube reach belonging to Hungary, i.e. Bratislava - Budapest, affected by SHP G-N, is about 2 mil.m³/day. From this volume about 0,9 - 1 mil.m³/day is currently used for drinking water supply, 0,8 mil. m³ being abstracted by the Water Works of the capital, situated on the Szent Endre Island.

Abstraction of waters, originating from bank infiltration, is characteristic for Hungary first of all in the alluvial zone along the Danube, the withdrawn volume being almost identical with the volumes, pumped from groundwaters, water bearing layers, and karst waters.

The significance of infiltrated water pumping as compared with other resources follows from the fact, that even when recharged from a relatively small territory, the water quality

is still better than surface water quality, i.e. it may be treated with relatively low cost, usually only by disinfection /especially in the section upstream of Budapest/.

Main factors determining infiltrated water quality /physical, chemical and biological characteristics/:

- water quality in the stream
- structure and dimensions of the filtration layer /including the river bed sediments/ and the retention time
- effect of pumping methods on flow rates and retention time
- environmental conditions of wells with bank infiltration.

Drinking water supplies

With regard to the fact, that construction and operation of SHP G-N would affect part of the above-mentioned factors, also water quality alterations in well with bank infiltration must be considered.

Due to the dyke construction the hydrological conditions of the stream are changed. Within the backwater area water level will increase /at peak operation the water level fluctuates considerably/, flow rates will decrease and changes in composition of the channel material may be expected. Generally the factors, depending upon the flow rate, may be changed /bedload, sedimentation, oxygen regime, production of organic material of the phytoplankton, etc./. As to obtain good water quality in the stream, infiltrating into the zone of bank infiltration /seepage/,high oxygen concentrations and low content of organic matter are required. Due to decreasing flow rates /especially in riverine zones which are of escential importance for bank infiltration/ the fine suspended load particles together with considerable amounts of organic matter will sediment and cause colmatage.

According to the study, worked out by VIZITERV, the firm which is interested in SHP G-N construction, "in relatively unfavourab]

conditions" it may be assumed, that at an average sedimentation of about 5 cm about 1 m thick colmatage zone would develop.

Flow rate decreasing, lower diffusion and decomposition of organic matter in clayey sediments will cause oxygen content decreasing and remobilization of iron and manganese, and reduction of sulphates to hydrogen sulphides, and of nitrates to ammonia. In the lower layers of clays anaerobic processes will develop. The process of bank infiltration is highly dependent on the livingfilm on the channel bottom /biological film/. Due to backwater this function would be damaged.

These negative phenomena are not only theoretical conclusions. Similar conditions were identified in Hungary in the connection with rivertraining, performed without proper preliminary study.

These data and experience obtained on already constructed hydropower schemes on the Danube in Austria and Yougoslavia have shown, that processes, which would take place after SHP G-N construction and operation, would unfavourably influence the amount and quality of presently abstracted drinking water, especially in the Danube reach of the Little Danube Island, where the rich potential water storage would be endangered.

This would increase the risk of further increasing of environmental impacts on the territory and bring about economic losses due to the required treatment of water. These envisaged consequences are to be considered when the real social-economic balance of the SHP G-N will be estimated, as risk elements and factors, causing cost increasing.

In the course of decision-making on projects and on already constructed SHP G-N structures it is necessary to analyze the task - the role of the Danube as a very complex natural resource at the present state, and in case of realization of all theoretically possible technical alternatives /see alternatives presented by Yaro and col./

If, according to this analysis - stressing the prime objective of drinking water supply-the Danube is compared as drinking water resource and as power resource, it may be stated that

- the available water storage in the concerned Danube reach with bank infiltration, at present water stream state and water yielding capacity, and also with regard to water supply in the future, is the resource with highest water yielding capacity in Hungary, which can cover at least 50 % of the consumption with lowest cost and highest safety.
- The concerned Danube reach, considered as power resource, may cover only 3% of the electric power consumption and with regard to topical power production alternatives this production is very expansive and unreliable.

In addition to that, according to present experience, the utilization of the Danube as power resource would decrease the possibility of using the Danube water as water resource. If the SHP G-N construction will damage only by 7.8% the possibility of its utilization as the resource with bank infiltration,/though higher damaging could be expected/ then the total yield of the drinking water resource would be decreased in a much greater extent than the increasing of total power production.

More negative image is obtained if the balance will consider the cost and reliability - safety of the drinking water resource, or eventually of the electric power resource, and if we consider as topmost priority drinking water demand as the basic vital precondition.

From the above-mentioned it may be seen that the original concept of SHP G-N is according to to present scale of values not acceptable and therefore the construction cannot be continued.

ARCHEOLOGY

By the SHP G-N construction significant archeological values occuring in the Danube reach Visegrad - Esztergom will be jeopardized, or even destroyed by the backwater.

Terrain surveys in this region started in late 50-ieth, then jointly with a group of professionals from the MTA /Hungarian Academy of Sciences/ smaller archeological exploration had been performed, though this activity was interrupted in 1966. Since 1978 the protection works have been executed by the Hungarian National Museum. Research results were published in "Danubian Archeological Reports" /1979/, and in "Danubian Archeological Reporter" /1981/

The rich fertile riparian Danube territories played a very important role in the history of the Carpathian basin since earliest times. In the first century the upper Danube formed a part of the Roman Empire, and had an important strategisignificance and this has persisted to the present time. In Middle Ages this territory was the centre of the state-Hungary /medium regni/.

Considerable migration of nations took place along the Danube. The city of Esztergom was the royal residence in the era of Árpad lineage, and was built on the lower, endangered terrace. Roman guard towers, built directly along the river channel, will be also jeopardized. According to the expert for the era of the Roman Empire-, Soproni Sándor, -there is a dense series of guard towers and fortresses on a border line 7000 km long in the Banube bend. Only in the mection Esztergom - Visagrád there is a locality with four castramentations and 24 guard towers, from which only one would be preserved after the SHP G-N construction Excavation of this chain of fortifications would have reveal a significant remnant and attraction for tourism. Exploration on several finding places had been carried out in the past:

- 1. Helemba Island /XIIIth century/
- 2. Esztergom Szent Györgymető /X XI. century/
- 3. Esztergom island /XI century
- 4. Bsztergom Szentkirály /Arpád era/.

In this region there are several finding places, not visible, which would be damaged by earth works execution, and other unknown finding places. At least 45 endangered finding places occur within the southern bank line, 16 of which having scientific value, 12 having general historical significance and 4 are objects, which should be uncovered and exposed. These are:

- 1. Esztergom Sziget: Bronze era, Celtic and Roman mettlements, remainders of a church, chapel and cimetery from the Arpád era
- 2. Esztergom hillside Szentkirály: bronze era, Celtic-Roman settlements, graves; a small part of a church and cimetery from the St.Stephen era - explored and uncovered. A church from XII century with three naves occurs on the jeopardized territory, as well as a monastry. These historical places, though unexplored until the present time, should be preserved.
- 3. Esztergom Viziváros, from XIII-XIV century. Existing municipal protection wall is the only one from the Danubian fortifications and should be preserved. Significant archeological finds from from the Middle Age and Tutkish era are supposed to occur in the cave.
 - 4. "Királyi Város" Esztergom /King's town/, deeply situated his rical centre of the town, the most important from the Árpád era, the capital of Hungary since the St.Stephen reign until the Turkish occupation, then ecclesiastic centre.
 - 5. The oldest part of municipal settlement occurs under the king's castle. There are no written documents from IX. XII century, therefore the archeological survey is very important. The whole territory of the late king's town was proclaimed by the Minsitry of Culture as protected area. 10 chruches,

, 3 monasteries, hundreds of houses occured in the town protected by the wall. Their remainders contain valuable finds as for instance the fist mint, grave stones and remainders of the king Béla IV., and its family. Archeological-historical documents, hidden on this territory in the Hepth of 100 - 400 cm, would be a source of social and national significance.

If the hydropower plant will be realized, the maximum water level of the Little Danube would be 104,0 m above sea level.

Memorabilities from X. - XIII. centuries are in the epth of 103 - 104 m, so that they would be affected by groundwater level. After backwater their survey and discovery would not be possible.

TECTONIC PATTERN

Tectonic issues are caused by following:

- 1. Detailed geologic-geophysical survey had been executed only on the area of the present construction pit. No drills into deeper layers were performed.
- 2. Seismologic observatory of the Research Institute of Geodesy and Geophysics of MTA has not carried out any measurements or investigation on the potential hazards of this territory.

This absence of research would not cause uneasiness, if the hydropower schemes would not be situated on a territory, where fault lines, qualified as seismic active, would not occur.

The Hungarian State Geological Institute had carried out a preliminary survey of the territory, A study called "Geological structure of the locality and adjacent areas of the designed SHP G-N - expert's account", worked out in 1980, described a tectonically disturbed character and large fault lines not only directly within the locality, but also in the whole surrounding. On the basis of satellite photographs it may be assumed the regional character of these faults. The study states that additional geological surveys are to be executed. Very important from this work would be the detailed analysis of fault lines, or the geodetic survey with regard to the assessmen of the present shifting of the territory, however this aralysis has not been carried out yet.

Further investigation had been performed directly in the locality of the designed project, as engineering-geological survey, within the scope of designing the present guiding embankment of the Danube and of foundation. The surveys were coordinated by VIZITERV. The description of geological phenomena stated similar tectonic issues as the preliminary survey. Aftersurveying the channel surface, uncovered since the Danube diversion, the correction of geology was not necessary.

In the dry river channel of concerned territory all rock formations of the Dunazug-Börzsöny mountains can be seen, from
layers of clayey slices of the upper Oligocene, through various
andesites of Miocene, to gravel-sand formations. /After the
main eruptive activity /volcanic activity/ intensive lifting
of the Danube bend area occured. This is also confirmed by the
initial development of upper Miocene as well as formation
of the Danube valley.

The identified faults may be classified according to their direction into four categories. Since at least 2 of them may be created simultaneously, time shift of the development of present pattern is probable. Prevailing, visible, almost horizontal shifts are the most dangerous for the envisaged structures, if the processes are not finished yet.

Simultaneously with the detailed description of tectonic processes it was required to obtain reliable image on abrupt seismic phenomena.

A joint Czechœlovak-Hungarian negotiations took place in 1965 in Bratislava on the seismic research of the territory concerned. The protocol of this negotiation was signed by prof. Egyed László a Kézdi Árpád, as well as Vít Kárnik. The seismic zones of the concerned territory had been dealt with, demarcation of potential active areas was executed and tasks for further investigation determined. The last item of the protocol was as follows " due to the significance of hydraulic structures on the Danube it is recommended to contact the best professionals for the preparatory works and designing ..."

The seismic observatory of MTA was not asked for cooperation over the designing, thus the measurements on earthquake hazards could not be carried out.

VIZITERV had dealt with the adequate dimensioning of SHP G-N structures during dimensioning, considering the safety in

case of earthquake, a part of results was also putlished /Mistéth Endre: Stability of SHP G-N in case of earthquake",/vizügyi közlemények, Vol.LXIX,p.184-255/. There are several mistakes in this material, one of the most serious being the application of a table for the intensity degrees of earthquakes, ascribing for respective stages for horizontal acceleration 4 - 5-times lower value than the present seismic standard/Manual of sismological observatory, Report SE-20, published by World Data Center A for Solid Earth Geophysics,1979/. That means, that lower shaking is considered and the construction SHP G-N is dimensioned for weaker earthquakes.

The Slovak Academy of Sciences published in 1988 an article, dealing with earthquakes in central Europe. It is remarkable in this article to state, that considerable part of fault lines of West Carpathians /Slovakia/ sprawl from the north to the Nagymaros zone, being interrupted on the borders, because, according to Hungarian researchers, it is not possible to identify their continuation in the Pannonian Basin. This is an evident contradictory statement and it is probable that the data of Czechoslovak research workers are likely, namely that Nagymaros is situated in relatively strongly disturbed zone. This is in agreement with some our results and with the data on monitored earthquakes:

in	Komárom	1763	intensity	9,5
	·	1783	**	8,0
		1806	**	7,5
		1851	**	7,5
in	Esztergom	1934	#8	5,5
in	Tereske	1951	TT .	6,5
in	Cserhátsu- rányi	1930	n	6,0

It is generally known in field of geophysics, that long-term breaks are followed by big shakes. /Period of stress accumulation At present a quiet period with only weak vibrations at Komárno /h = 18 km/ occured.

When large earth dams, especially in densely populated areas, are to be dimensioned, up-to-date methods of computation used to be applied. Even if we have available all materials on research, surveys and investigations, we may deduce, that for the safety of hydropower projects in case of earthquake a much more detailed research is justifiable. /E.g. it is not known the effect of the structures and backwater on geological series of strata, on fault lines, etc., and on the earthquake risk itself./

It is to be mentioned, that neither in the area of Gabčikovo thorough seismologic studies were carried out, and the existing geological data were not adequately considered.

As a conclusion it may be stated that the SHP G-N construction may create potential hazard with regard to seismic tectonic aspects.

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Dr. Udvari László Special Representative of the Hungarian Government for the Gabčíkovo-Nagymaros waterworks system BUDAPEST

> Bratislava, 13th July, 1989 Ref.No.SV-433/89

(Translation)

Dear Comrade Udvari,

This is to confirm our agreement on the Czechoslovak - Hungarian scientific discussion on temporary interruption of works at the Nagymaros stage by the Hungarian partner, to be held between July 17 - 19, 1989. The meeting shall according to our phonecall discuss the agenda in three groups of experts, viz.:

- Hydrology and Ecology,
- Geology and Seismology,
- Pedology and Agriculture.

The Economic Group and the Summary Committee will perform their activities linked to the work of the above expert groups whose time and location of discussions will be agreed upon at the meeting.

Attached, please find the prepared Statement of the Czechoslovak party to your material, presented to us June 26, 1989.

I firmly believe that no further negotiations will become necessary as I expect that the Hungarian party would recall the temporary stoppage decision, and would continue in the construction of the Nagymaros Waterwork.

I am also attaching the list of names of Czechoslovak experts scheduled to participate in the meeting.

I assume that each group will prepare separate records of discussions in both languages which, signed by the chairmen of the respective groups, would form the annexes to our joint minutes.

Yours,

Ing. Vladimir Lokvenc

Authorized Representative of the ČSSR and SSR Governments
for the Gabčíkovo-Nagymaros waterworks system

cc. Comrade Havas Péter, Authorized Representative of the Hungarian Government for the Gabčíkovo-Nagymaros waterworks system (Translation)

STATEMENT

of the Czechoslovak party to the materials forming the documentation of the Ministerial Council of the Hungarian People's Republic at the temporary stoppage of construction of the Nagymaros waterwork.

The materials were presented at the Czechoslovak Embassy in Budapest on June 26, 1989 as an Annex to the letter addressed to Comrade Hrivnák, Vice-Chairman of the Government of the ČSSR, by the Vice-Chairman of the Ministerial Council of the Hungarian People's Republic.

The materials are constituted by the following documents:

- 1. Document prepared by the ad-hoc Committee of the Hungarian Academy of Sciences on the effects of implementation or non-implementation of the Nagymaros waterwork upon the living environment, ecology, water quality and seismology.
- 2. Document, designated as Expert summary of risk factors and ecological hazards, considered by the Ministerial Council of the Hungarian People's Republic while discussing its resolution to interrupt construction works at the Nagymaros stage of the Gabčíkovo Nagymaros waterworks system.

Bratislava, 12th July, 1989

At the beginning of design works on the project of complex utilization of the Danube River resources, the ČSR Government has by its August 26, 1953 resolution assigned to the Czechoslovak Academy of Sciences (ČSAV), the Slovak Academy of Sciences (SAV) and the Czechosloval Agricultural Academy (ČSZA)—the task to follow the project development and to initiatively render efficient assistance to the designers. (ČSAV had formed 12, and SAV 6 groups of experts for the purpose). The multi-disciplinary approach to the preparation of utilization attracted various professional teams, and the cooperation of scientists from both countries, the Hungarian People's Republic and the Czechoslovak Socialist Republic, was commenced at that time. The results as well as technical solutions were considered as a joint outcome of works by both parties.

Ten years later the ČSR Government, by its No. 652/63 resolution dated June 29, 1963 ordered the Deputy Prime Minister and the Chairman of the State Committee for Development and Coordination of Science and Technology to elaborate, in cooperation with the Minister of Agriculture Forestry and Water Management, the Minister of Construction, and the Minister appointed as Head of the Central Power Industry Administration, a comprehensive state project concerned with basic research and development documentation of the Gabčíkovo - Nagymaros Waterworks System investment project. This task had been resolved at six main workplaces, each of whom involved the cooperation of two to eight research institutes.

A symposium was held April 29 - 30, 1965 in Bratislava on the Gabčíkovo - Nagymaros Waterworks System and creation of the environment, chaired by Academicians Belluš (architecture and city landscaping), Dub (water management) and Mucha (human medicine and hygiene). One of the fundamental reports at the symposium was titled "Biological Problems of the Country" prepared by experts of the SAV Institute of Regional Biology.

At another symposium, organized in May 1968 by the Slovak Water Management Committee of ČSVTS further reports were

presented, concerning the influence of Gabčíkovo - Nagymaros on agricultural production, riverside forests, protection of settlements and lowland areas against flooding and waterlogging, and land-technical impacts of the project.

A further symposium on October 22, 1975 has addressed the general public with reports on the environmental influence of the System, proposals targetting the solution and improvement of the natural conditions as well as mitigation of incidental adverse impacts of the Gabčíkovo - Nagymaros project. All these works were carried out in vigorous cooperation with Hungarian experts. Both parties have kept in mind that the project represented joint tasks, joint interests and joint resolution of the Danube problem, inherited by our generation.

This cooperation resulted in evaluations of the proposed technical solutions, preparation and approval of a joint investment task, and in elaboration of the Joint Project Agreement.

On September 16, 1977 the Agreement was signed between the Czechoslovak Socialist Republic and the Hungarian People's Republic on construction and operation of the Gabčíkovo-Nagymaros Waterworks System. The Agreement was based upon the jointly elaborated project, which means that it has taken into consideration environmental effects of the Waterworks System in the adjoining regions in conformity with documents elaborated by scientific institutions of both involved countries.

An important step toward implementation of the proposed ecological solutions was the Biological Project of the region affected by construction of the G-N System prepared by URBION in 1975-76.

The development of population, industry, agriculture, travel and social care, increased capacity and reliability of drinking water sources was oriented mainly along guidelines of the No.56 Decree of the SSR Government, dated February 22, 1978 on the Territorial

Plan of the greater Gabčíkovo - Nagymaros area, involving a territory in excess of 300,000 hectares. There are many of those at the Czechoslovak, and later on the Hungarian side remembering the frequent mutual discussions on the influence upon natural and living environment, held over many years long before submission of the Biological Project. The Territorial Plan was later continued and updated by the 1986 Amendments and Supplements thereto, specifically concerned with parts of the area between the bypass canal and the main Danube river channel.

On the base of this broad cooperation of several years the Czechoslovak - Hungarian Committee for Economic and Scientific - Technological Cooperation has asked the Slovak and the Hungarian Academies of Sciences to incorporate a joint geoscientific, hydrological and biological research project into their respective working programmes of 1981 - 1985, with the purpose of further deepening of the scientific knowledge level on the issue, involving water quality, biology etc. or in short, the ecology in connection with construction of the Gabčíkovo-Nagymaros Waterworks System. The goal was specified as extension of ecological knowledge, from aspects of a possible improvement or conservation of the environment to the maximum extent possible, or of minimizing any adverse effects as might result in connection with the Waterworks.

The Academies in both countries have established their relevant research programmes, unified their methodologies, agreed on the methods of mutual cooperation, etc. This cooperation and its results obtained until present time were published by Academician L.Weismann and I.Daubner, Member Correspondent of the Academy in a Nové Slovo supplement (No. 23/1989) and therefore not discussed here. It can however be stated that this cooperation of Czechoslovak and Hungarian scientists and technicians has been bearing fruit. Many of their proposals were accepted and several of them scheduled for realization during the works or later in future to enable maximum implementation of the interest of both sides to improve their respective living environments. The environment must

logically be improved at the Czechoslovak as well as the Hungarian side of the Danube there being no such differences as to exclude a common denominator.

It must however be pointed out that during all these - always jointly performed - works no report on new aspects has appeared, nor were new scientific findings presented until May 13,1989 and in fact until today by the cooperating Czechoslovak - Hungarian scientists or at the regular meetings of the Joint Operative Group of Governmental Representatives or discussions held by the Authorized Representatives of the ČSSR and Hungarian governments. Similarly, the October 5 - 7, 1988 debate in the Hungarian parliament was also concluded with a resolution in favour of the Gabčíkovo - Nagymaros Waterworks System construction continuity, with 317 yeas, 19 nays and 31 abstentions. This parliamentary debate was preceded by a site survey in August and September 1988 with nearly all members of the Hungarian parliament attending (10 groups, 60 participants each being present, or a total of 600 representatives, including media workers invited by them).

The Czechoslovak party has always been meeting requests of the Hungarian party. In 1958 both governmental delegations have agreed on construction of the Nagymaros stage; in 1983 we have acceded to prolong the project by 4 years; and on February 6, 1989 we - again upon request of the Hungarian party - have agreed to reduce duration of the Nagymaros stage construction by 15 months.

We have no information on any scientific results on whose submission the Ministerial Council of Hungary has on the 13th May, 1989 resolved to temporarily unilaterally interrupt works at the Nagymaros stage for the duration of two months in order to verify certain new data. At the May 24, 1989 meeting of the ČSSR and Hungarian Prime Ministers in Prague, Mr. Adamec has declared that the Czechoslovak government has already expressed its views, and that it is interested in full completion of the Waterworks. He has also declared preparedness to find, within negotiations of experts of both

parties, a solution enabling successful finalization of the project.

In a Memorandum of the June 6, 1989 meeting of the Authorized Representatives of the ČSSR and Hungarian governments held in Budapest the Czechoslovak governmental representative has among others stated that according to minutes of the June 2, 1989 session of the Hungarian parliament the government has discussed various information submitted by governmental bodies, Academy of Sciences, the Board of Advisors to the Ministerial Council, the joint committee supervising the works and by other public organizations. In addition, the government had been admonished by numerous international scientific establishments, prominent personalities in the field of science etc., and on this base the Ministerial Council of Hungary has resolved to temporarily stop works at Nagymaros.

The Czechoslovak party has been striving after specific and documented data on whose strength the May 13, 1989 resolution of the Hungarian Ministerial Council on the temporary stoppage of the Nagymaros works was based.

The Authorized Governmental Representative of the ČSFR had stated in his June 26, 1989 Memorandum on the submission of documents and letter of the Vice-Chairman of the Hungarian Ministerial Council to the Czechoslovak Deputy Prime Minister at the Czechoslovak Embassy in Budapest that the Hungarian party has informed the Czechoslovak party on the 13th May, 1989 on temporary interuption of works at the Nagymaros Waterwork while presenting the material upon which the Hungarian government had based its relevant decision, on the 26th June, 1989 i.e. 44 days later.

The Hungarian party has proposed that Czechoslovak expert groups should present documentation to the Hungarian workteams on individual problem areas, and that the Deputy Prime Ministers of the ČSSR and Hungary should jointly review the results of scientific discussions early July 1989. This proposal appeared as inadequate when considering the 44-day delay in the presentation of materials.

Upon completion of the translation and study of the material, the Czechoslovak representative has informed Comrade Udvari, Special Representative of ther Hungarian government in a July 7, 1989 phonetalk that the Czechoslovak party was proposing a discussion of experts on July 11 and 12 which would enable to meet the 2-month deadline of the temporary unilateral interruption of works at the Nagymaros stage. We have regretfully noted that the Hungarian party could only accept a July 17 - 19, 1989 date.

The following should be briefly stated in connection with the materials presented for discussion by the Hungarian party, after they were studied by all experts of the working groups:

Having studied the submitted materials, all scientists and experts concur that they present no new and previously unknown professional scientific arguments or documents which may have been left out of considerations of the project documentation, or left unconsidered by scientific research conducted hitherto in the course of gradual supplementation of the Joint Project Agreement. The material contains no new viewpoints for an intervention as radical as stoppage of construction of the Nagymaros Stage. The joint designs and joint decisions as yet made were based on a more complex understanding of scientific preparation.

We are forced to this conclusion also by a material submitted by the Hungarian Academy of Sciences emphasizing that Hungarian scientists had had no opportunity to study the scientific, professional and design documentation upon which the elaboration of the joint investment task and the Joint Project Agreement were based. On what base have thus any possible impacts been evaluated, and their misgivings expressed?

If the Slovak and the Hungarian Academies of Sciences have been conducting a joint scientific programme from 1982 onward, the following questions arise:

- How is it possible that scientists had neither before nor after 1982 had the opportunity to familiarize with the designs and the related study documents,
- Why has during that time the Hungarian party failed to present for discussion the objections shown in the current material,
- It may be assumed that the submitted material was elaborated without cooperation of the experts acquainted with the issue of resolving ecological questions of the project. Many incorrect statements could have been avoided.

In general I would like to add that based on several decades of cooperation of the Czechoslovak - Hungarian Committee for frontier-zone waters, the results of observations, measurements and other data available to our as well as to Hungarian specialists in water management are well known. We fail to understand why the Hungarian materials should claim lack of data since any inaccessibility of data concerning water quality, hydrography, hygiene etc. to Hungarian scientists is hard to envisage.

Conclusions of the Czechoslovak Working Group of Ecology can be summed up by the statement that restoration of the area concerned to its original state by leaving the Waterworks System unfinished is not possible. On the contrary, any negative ecological influence would be amplified without any economic effect. The construction works have made certain sacrifices necessary in the nature and landscape, and it would be pointless to make them worse by abandoning the project.

According to cooperating scientists in the field of hydrology and ecology, the presented materials contained no facts as yet unknown or left out of consideration in technical solutions of the Gabčíkovo - Nagymaros Waterwork System or any specific and documentable arguments that might cast doubts on the realization of the Nagymaros waterwork.

The generally drafted part, titled "Ecological Influences" in the first document concludes with the following statement: "The value of product directly obtained from a natural living organism can be assessed at 220 billion US dollars annually" which, in the absence of any specification and justification can be considered as a rather unscientific disclosure. It is usual practice in bilateral contacts between states to perform such quantification jointly, with the participation of responsible professionals at both sides.

An example concerning maintenance of desirable biodiversity is our "Slñava" dam on the River Váh constructed as a natural model for the River Danube dam downstream of Bratislava, where an unexpectedly rich biodiversity has occurred on islets along the dam.

The recommendation of the materials "to open up old river branches already closed, to form optimally satisfactory links with the ecological function of live creatures" is in the opinion of our expens proof of ignorance of the Danube fords problem.

The chapter "Water Quality" states that the amount of plankton in the Danube river water has increased tenfold from the sixties, and that the chlorophyll contents of the water at Rajka is 100 mg while at Baja,240 mg per cubic metre. There are no dams along the Rajka - Baja section of the Danube; nevertheless the chlorophyll contents show a substantial increase. The document states that even before this content had been much higher at Baja than at Rajka. Hence this past adverse status and development is not going to improve by abandoning the Nagymaros waterwork project.

The chapter "Wastewater Treatment" quotes generally known maximalist requirements, also known by designers of the cascade of dams along the Austrian and German sections of the Danube.

No impairment of the Danube water quality will follow along the Nagymaros - Budapest section as the result of constructing the Nagymaros stage. On the contrary, our own as well as international experience are pointing toward improvement of the water quality in this river section.

The notion that the Danube channel in the Nagymaros - Budapest section has been deepening, that the yield of the bankside drinking-water wells decreased and that iron and manganese have appeared in the water from certain Szentendre wells is a proof that this phenomenon cannot be linked to the construction of the Gabčíkovo - Nagymaros Waterworks System.

The general reflections in the chapter "Drinking Water" need no commentary. We have noted the contradiction of two statements: "In the filtration process through the river banks a live bottom layer in the channel plays a key role...This function will be damaged by the increased water level. However, should this layer become defunct through erosion during high water passages, the coarse grained subgrade with larger voids would become exposed resulting in a reduced filtration effect. Water will seep into the bankside wells less filtered and contaminated, also bacteriologically, and will require chlorination to be consumable. On the other hand the filter layer will be maintained longer in the increased level sections than vice versa". This directly supports building of the Nagymaros dam.

With respect to the "Tectonics" chapter we point out that the clearest image of the geological subgrade of the Nagymaros stage was obtained during the earthwork and upon pumping-out of the ditch, sized approx. 46 hectares and located mainly in the Danube channel. (For comparison, the Gabčíkovo hydroelectric plant ditch has an area of 8 hectares, with additional 8 accommodating the lock chambers). The open Nagymaros ditch should be evaluated by experts; however our own experts have already found that the exposed geological cross-section corresponds to those geological subgrades considered within the Joint Project Agreement. It would also be far-fetched to assume that the Austrian Dokkw specialists would have failed to issue a warning, had they discovered even a minimum-risk discrepancy between design and the actual findings.

The singularly documentable results of geotectonic research of subcilcovo waterwork are not invoked here. The related geological structure was most accurately demonstrated already in 1965 - 1967, and again in 1974.

With respect to the Hungarian Academy of Sciences statement of an expected Grade 9 to 10 value of seismic intensity in the Nagymaros area we have, based on available seismic data, the following comments:

All information up to now (until the October 1988 session of the Hungarian Parliament) has been based on data of a seismic rest area around the Magymaros stage, with its seismicity evaluated as Grade 5. It was general knowledge that according to the Hungarian geologist, Réty, a seismo-tectonic line runs in the vicinity of the Magymaros waterwork Réti's work and data indicate that neither here not in the broader neighbourhood were earthquakes in excess of $3-6^{\circ}$ MCS observed over the last millennium.

- (1) Seismic department of the research institute of geodesy and geophysics, Hungarian Academy of Sciences. D.Csomor, "Map of Maximum Earthquake Intensities in Hungary (455-1971)", delimiting areas with intensities in excess of $\geq 5^{\circ}$ MSK (Annex 1).
- (2) D.Csomor (Geophysical Institute of the Hungarian Academy of Sciences, Budapeat), I.Brouček (Geophysical Institute of the Slovak Academy of Sciences, Bratislava); D.Procházková (Geophysical Institute of the Czechoslovak Academy of Sciences, Prague); "Map of Maximum Observed Intensity of Hungary and Southern Slovakia", Contribution of the Geophysical Institute, Slovak Academy of Sciences, No. 11/1981 in this work Nagymanos is rated Grade 5° MSK (Table 1).
- (3) Commission of Academies of Sciences of Socialist Countries for Planetary Geophysical Research (published by the Geophysical Institute of the Czechosłovsk Academy of Sciences, Prague, 1978, "Arlas of Isoseismal Maps: Central and Eastern Europe".

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There is no indication whatsoever in the above works of higher seismic intensities in the areas concerned over the known period of history.

The statement in the Hungarian materials on the seismic intensity increasing to 9 - 10 ° MSK lacks any substance. We prefer not to try imagine a reflection of such intense seismicity on building activities in Budapest or Esztergom.

The expert opinions on seismic hazard at the pre-designing stage of the Waterworks System project had been prepared over the years 1960 - 1965 jointly by both Czechoslovakia and Hungary, at the contemporary level of scientific knowledge. They were confirmed by independent experts in 1981. No seismologic observation performed between 1965 and 1989 disproved validity of these expert opinions on which the System design and realization were based.

The high level of seismic hazard concerning the Nagymaros waterwork, referred to by the Hungarian materials as being Grade 9 to 10 of the MSK intensity scale is not scientifically substantiated, and probably based on incorrect interpretation of the conversion of MCS to MSK scale units in 1964.

The realistic base of scientifically valid seismicity is the problem of induced seismicity after completion and during operation of the waterworks. Monitoring of the seismic activity in a broader regional context is fully justified in the interests of safe operation, and incorporated in the materials discussed at the 10th meeting of the ČSAV Presidium held September 14, 1988 and titled "Construction Proposal of Regional and Local Seismic Networks in the ČSSR Territory". The Czechoslovak State Planning Committee is gradually allocating the necessary foreign-exchange resources for this purpose.

Comments to the issues related to the working group of pedology and hydrogeology:

The influence of the Waterworks System on soils were excerpted from the "Prognostics of the Development of Soils in the Žitný Ostrov Region Until 1990". The references were limited to emphasize exclusively negative impacts, notwithstanding that the Czechoslovak analysis has anticipated not only negative but mainly positive changes (in terms of the fertility and development of soils).

Soils will be most expressively influenced in the Czechoslovak part of the region. Influences induced by the Nagymaros dam would be felt nearly exclusively in Czechoslovak territory. Our prognosis of pedogenetics in the Žitný Ostrov region, prepared in agreement with Hungarian scientists is known by both parties. The present situation of the soil cover is the result of anthropogenic interference with the water regime in the region, far from being the original status. The prognosis is based on exact pedogenic research results.

We have divided the territory into areas above the Hrušov - Dunakiliti dam where the soil production ability will be maintained without changes. However we expect positive effects from the increased relative air humidity induced by the water surface in the reservoir. The area of lowered groundwater level in the vicinity of the inlet and drain canals will result in positive changes by gradually eliminating the glei horizons, limiting the formation of concretions and improving general soil aeration. A negative impact is expected by the increased dependence of these soils upon atmospheric precipitations until the time when irrigation systems can be built.

Groundwater level drops in excess of 1.0 metre are expected in a 19,000 hectare area. The drop will be felt in a territory presently showing the most dense and sizeable network of drainage channels. These will in future be used to introduce water, enabling control of the water regime in an approximately 40,000 hectare area. Further soil development in the area will proceed in the direction of terrestrial soils spread over the central top part of the Žitný Ostrov. Here irrigation systems have already in part been built, and will be further extended in compliance with the plan.

In the increased water level area of the Danube upstream of the Nagymaros dam no enhancement of the negative effects of hydromorphism are assumed in the Pleistocene core area but only in the depressions of the lower Žitný Ostrov region and in the left bank areas of the River Váh. Significant waterlogging is only possible in the northern part of the depression. The water regime is expected to improve over considerable areas. Increased hydromorphism can result in waterlogging and secondary soil salinization; it must however be pointed out that due to the water regime existing before construction of the Waterworks System there already exist extensive areas of salinized soils which must be contended mainly by increased imigation to prevent negative effects.

The prognosticated positive and negative effects are reflected in the investment plans of meliorative measures by the State Administration of Meliorations in Bratislava where areas of expected improvement of the soil water regime were excluded from the melioration programmes. Preventively, deep drainage is being built to eliminate the danger of present and secondary soil salinization.

Our evaluations of the Gabčíkovo - Nagymaros System jointly with the Hungarian party have originated from the fact that the Hrušov - Dunakiliti and the Nagymaros reservoirs form a coherent groundwater basin system. On our part this coherence is the base of optimum efficiency of valuable water sources, also in context with flood protection of the territory, finalization of water regime adjustments and thus of ecological conditions in the adjacent areas.

The Hungarian party now (in the time of a few months between the parliamentary sessions) visualises this coherence as being causative of harmful influences to the ecosystem in the Czechoslovak - Hungarian section of the Danube and that of the adjacent streams. This harmful influence however lacks both local quantification and scientific substantiation.

The continuous power production requirement in Gabčíkovo is unreasonable. Those with at least basic knowledge of the use of water power are aware that, should the construction of Nagymaros be abandoned, the resultant hydrological regime in the existing Danube channel would be more unfavourable than during full functionality of the Nagymaros waterwork dam. The opinion that skipping the Nagymaros reservoir could result in reduction of any harmful effects at the derivation section is fundamentally mistaken.

A further question that was assigned great importance in the Hungarian material is the influence of the Nagymaros waterwork on reduction of the fertility of soils in the affected area, regardless of that protective measures taken at both sides will eliminate adverse effects on both banks. At the Hungarian side, large parts of the area will benefit from increased water levels by the Nagymaros dam. In any case the water level of the Danube will be better stabilized, with a maximum 1-metre amplitude (including peaking amplitude), in comparison with the present situation. This will result in more suitable groundwater-level control conditions.

The influence of groundwater on the water regime of soils and crop yields have been subjected to detailed study at the Institute of Hydrology and Hydraulics of the Slovak Academy of Sciences from 1954 onward (as documented by a series of published works). Numerous works refer to determination of crop yield dependences upon the occurrence and volume of precipitations as well as upon groundwater level depths. The reports not only propose suitable groundwater levels for various soil types but evaluate the influence of proundwater on pedogenic processes as well. Part of the results was reported at the 5th Congress of the International Committee for Irrigation and Drainage (ICID) in Tokyo in 1963. These results showed that the present natural regime is far from being optimal during the complete vegetation period. Here it should be pointed out that stabilization of groundwater levels will result in more favourable groundwater level regulation conditions compared to those presently available.

The influence of the Nagymaros waterwork could be applied analogically to all pedogenic processes, that is, to the migration of substances, salinization and microbial regimes.

Czechoslovak scientists are of the opinion that the attached list of references represents a tendentious selection. The list fails to refer to works of known Hungarian scientists and experts of international reputation, creating the impression that their conclusions might be contradictory to the statements of the "material". We feel it difficult to adopt the idea that between October 1988 and May 1989 the level of knowledge has so considerably deepened, or that the seismic conditions - having been stabilized at Nagymaros for approximately one thousand years according to Réti, a Hungarian expert of worldwide reputation - have changed. Our situation is further aggravated by the circumstance that none of the papers or work included in the list of references attached to the Hungarian material was actually quoted in the text, thus making verification of the presented statements impossible.

Summing up the ecology issue we maintain that the material presented to us is very general and its problem areas are not unequivocally outlined. From among the ecological functions, the biological self-purification capacity of water, the bottom-layer function of the channel linked to supplies of drinking water, and living associations are emphasized (essentially the nature protection issue). Another weak point of the material is that no consequent distinction is made between the subject of the expert opinion (abandonment of the Nagymaros stage construction) and the remaining parts of the issue while mentioning problems related to the Gabčíkovo stage. This does not enable specific and explicit evaluation of the questions raised. The material is formulated using a conditional method, offering neither conclusions nor ways out of the given situation. Also, it lacks considerations of further important functions of the Waterworks System, e.g. flood protection, transport, energy and social functions.

The data (assumptions) shown in Pages 3-4 represent general knowledge, incorporated also in the prepared Biological Project of the Slovak Academy of Sciences and subject to solution within a joint target project of the Slovak and Hungarian Academies of Sciences. This in our opinion is simultaneously a scientific argument for construction of water treatment units along the main channel and tributaries, a factor requested by the Biological Project and taken into consideration by technical solution of the System. Similarly discutable are themes in the material regarding silt sedimentation in the reservoir which was taken into account by the Czechoslovak technical solution, along with proposals of required solutions.

With respect to living associations and the assumed danger of their degradation, our present research and experience of several years have shown that the diversity of species tends to increase as the result of waterworks construction. A system of biological centres and corridors was designed in order to protect rare species of both fauna and flora, and can also be created at the Hungarian side. Such areas would serve as core revival units of biotypes damaged or liquidated as the result of the construction. None of the protected areas in Slovakia is directly affected by the works, and only two of these will be located in the area between the bypass canal and the old Danube channel. This area is planned as a future protected area.

We are aware of the damage to the natural environment in the area of interest due to the present construction. By abandoning further work at the Nagymaros stage the original conditions could not be reinstated in the area; on the contrary, from ecological viewpoints, further impairment could be expected without any economic effect.

The original, still valid project concept has considered construction of the waterworks as a system with two interdependent stages. In this sense the ecological measures proposed by the Hungarian party would be accounted for, eliminating the negative peak operation effects of the Gabčíkovo stage. We are recognizing

the impact on fish husbandry (Page 10) and are trying to solve it in mutual cooperation of technicians, ecologists and ichthyologists. The proposed solutions are targeted to not only maintain the species-related composition but to improve the present situation and yields.

All objections shown in the Hungarian material are known to us, and were resolved by the Biological Project as well as by the present joint target project of the Slovak and Hungarian Academies of Sciences. Our experts can answer all comments presented With respect to the attached list of references we maintain that it represents a minor part of works only. As an example, the selected zoological bibliography alone of the Žitný Ostrov region and adjacent parts of the Czechoslovak Danube section comprises 1,979 citations. We are prepared to extend and to document this standpoint if necessary.

Lastly, the energy issue which is only marginally reflected in the presented material.

The statement in the "material" that the Hungarian ration of energy produced in the Gabčíkovo - Nagymaros Waterworks System could only cover 3 % should be corrected. We believe that a 5 % coverage is more to the point (the Hungarian power consumption in 1987 was 36,186 GWh).

Similarly, the Czechoslovak hydroelectric potential of this particular section of the Danube is far from negligible. The Czechoslovak ration - 1,881 GWh - of the annual System production represents some 95 % of the annual primary production of the entire Váh river cascade, comprising twenty hydroelectric power plants constructed over 53 years, or one fourth of the total primary hydroelectric potential of all Slovakia.

The statement that energy produced in hydroelectric power plants is most expensive and least reliable is completely false. The costs per kWh produced in hydroelectric plants are lowest at all in the world thanks to low operating costs. In addition, their dynamic properties (output frequency regulation, emergency reserve) increases the reliability and economy of operations of the entire or interlinked electrification system.

The "reactor failure" mentioned in the materials has occurred on February 22, 1977 at the JA A-1 nuclear power plant, and was informed in Vienna the same day by the Czechoslovak Atomic Energy Commission with a detailed follow-up report. This prototype nuclear power plant was operating a 150 MW gas-cooled reactor. This type of nuclear power plants has never been constructed in the ČSSR, and the incident has thus no causative or any other connection with nuclear power plants used in Czechoslovakia.

The power-industrial information was submitted because the fourth Working Group would, by agreement, discuss economic questions without whom the issue can neither be concluded, nor submitted to the Summary Committee.

(Signed,)

Ing.Vladimír Lokvenc

Authorized Representative of the ČSSR and SSR Governments for the construction and operation of the Gabčíkovo-Nagymaros waterworks system

Proposed expert groups and members of the Czechoslovak party

1. Working Group of Hydrology and Ecology

- Vlastimil BARUŠ, Academician, Vice-Chairman of the Czechoslovak Academy of Sciences (ČSAV), Director of the Institute of ČSAV for Systemic and Ecological Biology
- L'udovit WEISMAN, Academician, Director of the Biological -Ecological Centre of the Slovak Academy of Sciences (SAV).
- Imrich DAUBNER, Corresponding Member of SAV, Director of the Institute of Experimental Biology and Ecology at the Biological - Ecological Sciences Centre of SAV,
- Doc. MUDr. Ladislav ROSIVAL, DrSc., Head of the Hygieny Centre at the Research Institute of Preventive Medicine
- Ing. Ján KRÁLIK, CSc., Chief Engineer of the State Institute of Urban Landscaping and Territorial Planning
- Ing. Oto MIŠÚT, CSc., Water Management Research Institute
- Ing.Ferdinand KUBÍČEK, DrSc., Manager of the Ecosystems Production Department (ÚEBE CBEV) at SAV,

2. Working Group of Geology and Seismology

- RNDr. Ludvík WANIEK, DrSc., Academician, Head of the Department of Seismology, Geophysical Institute of ČSAV
- Ing. Vít KÁRNÍK, DrSc., Senior Scientist, Geophysical Institute of ČSAV,
- RNDr. Ivan BROUČEK, Scientist, Geophysical Institute of SAV
- Ing. Alexander MOLNÁR, Scientist, Geophysical Institute of SAV
- Michal MAHEL, Academician, Scientific Collaborator of the DS
 Geophysical Institute,

- RNDr. Ladislav VARGA, Engineering Geology Specialist, IGHP
- RNDr. Ivan ŠARÍK, Deputy Director of the Geological Division, Slovak Geological Office
- Professor Ing. Jozef HULLA, DrSc., Geotechnical Department,
 Faculty of Civil Engineering, Slovak Technical University
- Ing. Ivan POLKO, Chief Designer, Hydroconsult

3. Working Group of Pedology, Agriculture and Hydrogeology

- Juraj HRAŠKO, DrSc., Academician, Professor of the Comenius University, Chairman of the Soil Fund Division of SAV
- Professor Ing. Ján BENETIN, DrSc., Corresponding Member of ČSAV and SAV, Director of the SAV Institute of Hydrology and Hydraulics,
- Doc.Ing. Václav HÁLEK, DrSc., Director of the Scientific and Research Institute of Water Management, Brno
- Ing. Emil FULAJTÁR, CSc., Department Manager, Water Regime of Soils at VCPU, manager of the monitoring programme of changes of soil properties
- Ing. Bohdan JURÁNI, CSc., Director, Research Institute of Soil Fertility, Bratislava

4. Working Group of Economy

- Ing. Ladislav BLAŽEK, Deputy Minister of Fuels and Power Engineering of the ČSSR
- Ing. Pavel JURÁŠEK, CSc., Ministry of Telecommunications and Transport of the ČSSR
- Doc. Ing. Pavol CIBÁK, CSc., Director Appointee, Czechoslovak
 Danube Navigation Company, state enterprise,
- Ing. Kazimír ŠÁRNIK, Director, Division of Natural Environment of the Ministry of Forestry and Water Management of the SSR

Professor Ing. arch. Rudolf ŠTEIS, DrSc., Department of Urban Landscaping and Territorial Planning, Faculty of Architecture, Slovak Technical University

5. The Summary Committee

- Ing. Vladimír LOKVENC, Authorized Representative of the ČSSR and SSR Governments for the construction and operation of the Gabčíkovo - Nagymaros waterworks system
- Vlastimil BARUŠ, Academician, ČSAV Vice-Chairman, Director of the Institute of Systemic and Ecological Biology of ČSAV
- Imrich DAUBNER, Corresponding Member of SAV, Director of the Institute of Experimental Biology and Ecology at the Biological - Ecological Centre of SAV,
- RNDr. Ludvík WANIEK, DrSc., Academician, Head of the Department of Seismology, Geophysical Institute of ČSAV
- Juraj HRAŠKO, DrSc., Academician, Professor of the Comenius University, Chairman of the Soil Fund Division of SAV
- Professor Ing. Ján BENETIN, DrSc., Corresponding Member of ČSAV and SAV, Director of the SAV Institute of Hydrology and Hydraulics,
- RNDr. Ivan ŠARÍK, Deputy Director of the Geological Division,
 Slovak Geological Office
- Professor Ing. Jozef HULLA, DrSc., Geotechnical Department,
 Faculty of Civil Engineering, Slovak Technical University
- Professor Ing. arch. Rudolf ŠTEIS, DrSc., Department of Urban Landscaping and Territorial Planning, Faculty of Architecture, Slovak Technical University

The working groups would be supplemented with specialists of the Authorized Governmental Representative's task unit, representatives of institutions of various ČSSR and SSR ministries and other seconded Czechoslovak experts.

Annex 65

(Translation)

MEMORANDUM

FROM THE NEGOTIATIONS BETWEEN CZECHOSLOVAK AND HUNGARIAN SCIENTIFIC EXPERTS IN CONNECTION WITH THE TEMPORARY INTERRUPTION OF WORKS AT THE HYDROPOWER PROJECT NAGYMAROS.

These negotiations took place from July 17 to July 19, 1989 in Budapest. Participating experts are listed in ANNEX NO. 1.

These negotiations were conducted in three working groups on the basis of the position of the Commission of the Hungarian Academy of Sciences of June 26, 1989. Background material submitted on June 26, 1989 was not included in the agenda. The Czechoslovak side submitted its prepared positions to the Hungarian side on July 14, 1989.

Results of the negotiation of the three working groups are contained in ANNEXES NO. 2 through NO. 4.

Scientific experts of both delegations negotiated on the basis of above-mentioned documents

The working groups discussed the potential risk factors, which, in the opinion of the Hungarian side, require further supplements and verification. This, however, may last several years. The Czechoslovak side views the basic risk factors as having been sufficiently dealt with and resolved and they may be further clarified as the construction of the Nagymaros Project continues.

The Czechoslovak side expressed its willingness to cooperate. The Hungarian side reciprocated and is ready for continued exchange of scientific and professional opinions.

This memorandum was done in duplicate, in Slovak and Hungarian languages, both being equally authentic.

(signed) Vlastimil Barus Head of the Czechoslovak scientific working group (Signed) Stefanovits Pál Head of the Hungarian scientific working group

CZECHOSLOVAK-HUNGARIAN SCIENTIFIC NEGOTIATIONS

Czechoslovak participants

1. Working group Hydrology - Ecology (room no. 108)

Head:

Vlastimil Barus (biology, ecology)

Members:

Imrich Daubner (biology, ecology)

Ján Králik (urbanistics, ecology) Otto Misut (water management)

Ferdinand Kubicek (ecology)

2. Working group Geology - Seismology (room no. 139)

Head:

Ludvik Waniek (geophysics, seismology)

Members:

Vit Kárnik (geophysics, seismology)

Ivan Broucek (seismology)

Alexander Molnár (seismology)

Ladislav Varga (engineering geology)

Ivan Sárik (engineering geology)

Jozef Hula (statics, foundation engineering)

Ivan Polko (general project manager)

3. Working group Pedology, Agriculture, & Hydrogeology (r. 140)

Head:

Juraj Hrasko (pedology)

Members:

Ján Benetin (hydrology, hydraulics)

Václav Hálek (water resources development)

Emil Fulajzar (pedology) Bohdan Jurányi (pedology)

Hungarian participants

Working group Hydrology-Ecology

Head:

Verczik Arpád (ecology, hydrobiology)

Members:

Bíró György (public health)

Bozzai Józsefné (water quality, water treatment)

Fekete Gábor (botanics)

Hajdu György (water supply)

Kiss Ernö Csaba (hydroecology)

Lövei Gábor (ecology)

Mangel Gyöngyi (biology)

Marot Gyula (hydrology)

Mészáros Ferenc (zoology)

Somlyody Laszlo (water quality protection)

Szabó István M. (microbiology)

Working group Geology-Seismology

Head:

Nemecz Ernö (geology)

Members:

Hunyadi Ferenc (engineering, seismology)

Korpás László (geology)

Nemesi László (geophysics)

Páska Czsaba (engineering)

Sikhegyi Ferenc (geology)

Szabó Zoltán (geophysics)

Szeidovitz Gyözö (geophysics)

Varga Péter (geophysics)

3. Working group Soil Pedology, Agriculture, and Hydrogeology

Head:

Stefanovits Pál (pedology)

Members:

Alföldi Lászlo (hydrogeology)

Antoni Ferenc

Czemez Attila (landscaping)

Erdélyi Mihály (hydrogeology)

Haszpra Ottó (hydromechanics)

Lovas József (applied hydrometry)

Molnár Endre (pedology)

Tóth György (hydropedology)

ANNEX NO. 2 WORKING GROUP NO. 1 ECOLOGY AND HYDROLOGY

- I. ISSUES SIMILARLY EVALUATED BY THE HUNGARIAN AND CZECHOSLOVAK SCIENTIFIC EXPERTS
- Gabčíkovo-Nagymaros Project represents a very significant, far-reaching, and extensive intervention, with potential negative and positive impacts.
- In an important principle agreed to, top-most priority is given to a consideration of all ecological aspects over other issues related to the operation of the Project. In the Czechoslovak view the ecological, technical and social considerations must be harmonized.
- It is desirable to complete the monitoring system, to operate it jointly and to progressively evaluate the results. The operation of the monitoring system should be started in 1989.
- This region is rich in significant European natural assets. An effort must be made to protect and conserve these assets, even as their use is contemplated.
- It is desirable that the construction of wastewater treatment plants, approved by the respective countries, be undertaken.
- The area of the Danube Terrace (alluvial cone) provides the drinking water supply for about 3 mil. of inhabitants in Hungary and is therefore of vital importance (for 5 mil. population in the future). In Czechoslovakia, drinking water needs to be supplied for about 5 mil. population.

II. POSITION OF CZECHOSLOVAK SCIENTIFIC EXPERTS

- On the basis of discussed issues they suggest, that the Hungarian side should reevaluate and re-consider its position on the temporary suspension of the Nagymaros Project construction.

- We would like to focus your attention on the fact, that according to the original conception the whole scheme presents an integrated unit, the ecological issues being already partly resolved, and further problems will be solved simultaneously with the schedule of construction.
- As a result of the abandonment of construction at Nagymaros, the negative impacts on nature and environment will not be eliminated, the whole area cannot be restored into the original state; on the contrary, the negative ecological effects will keep increasing.
- The Czechoslovak scientific reports and results are available to the Hungarian side.
- Czechoslovak experts are aware of the costs of research. They approach with scientific and social responsibility as well as moral liability, this problem and appreciate the results of cooperation between Czechoslovak and Hungarian Academy of Sciences.

The support the position, that the construction of the Nagymaros Project, after the two-month interruption of works, should be resumed.

III POSITION OF HUNGARIAN SCIENTIFIC EXPERTS

Water quality - tropical potential

Tropical conditions of the Danube will undergo considerable deterioration due to water retention. This is caused by longer detention period and by water level increase, as well as by higher turbidity (resulting from water surface contamination and deposition of polluting substances). This has been already observed, together with nutrients increase. Neither P or N are limiting eutrophication. Increased biomass is achieving hypertrophic level, representing loading with autochthonous organic mass, corresponding to the external loading of the Danube in the section Rajka-Budapest, having negative effects on downstream river sections.

This autochthonous loading with organic mass is connected with the upper part of the reservoir, and will be further increased by the Nagymaros reservoir. Thus COD and BOD 5 concentrations, characterizing organic pollution and organic mass, will keep increasing, even if the conveyed wastewaters are treated in biological wastewater treatment plants.

Anticipated changes and consequences (increasing algae growth, impairing of organoleptic properties, content of soluble iron, manganese, occurrence of ammonia, decreasing of oxygen content, etc.) will have adverse impact on the system of river bank infiltration of wells, as well as on the technology of surface water utilization.

<u>Toxic substances</u> (organic, inorganic) - Mutually affecting complicated processes occurring among toxic substances have not yet been thoroughly discovered; however, they may present a potential hazard to drinking water supply.

Drinking water supply

To increase the capacity of the Nagymaros Project, a considerable deepening of the Danube channel downstream of Nagymaros was realized in the area where several structures for drinking water supply of Budapest are located.

Due to the channel deepening and reduction of filtration layer surface a daily loss of 300 thousand m³ of drinking water was recorded (corresponding to 30% of the total capacity). It is significant, that the reduction of filtration layer and a decrease in filtration capacity caused also a decrease in the resistance of wells against wastewaters and polluting substances, occurring in the Danube water.

Due to a water level decrease in the Danube the amount of infiltrating substances increased, with resulting contamination of groundwater resources, used for drinking water supply. Due to a decrease of water resources, it was necessary to increase the depth of wells, resulting in clogging of filtration layer.

Construction of the reservoir with accompanying greater pollution load and impact of autochthonous organic matter will endanger the bank infiltration of drinking water stores.

Development of organic matter in reservoirs Dunakiliti and Nagymaros, and abundant algae growth, will negatively influence surface water utilization. The treatment plant must be provided by a new treatment stage, resulting in investment and operation cost decrease.

Protection of Natural Assets, Genetic Resources

The life-giving nature, being the natural resource and precious national assets, is relatively more important for Hungary, since Czechoslovakia has available more natural resources. Therefore, in the concerned area of the water reservoir, emphasis is placed on necessary permanent preservation of natural living communities. To preserve our natural assets with regard to utilization of genetic resources we need more knowledge, since our present information is not sufficient. Not even the first steps have been taken in estimating the basic biologic-population-ecologic, as well as population-genetic parameters.

Even if the Czechoslovak scientists have carried out classic biotic research and have considerably advanced in this respect and are ahead of us, but pertinent research has not yet been undertaken.

Without this data we cannot make prognosis concerning the impacts on living organisms. The Hungarian scientists consider as a basis the project prepared by the group of the Hungarian Academy of Sciences. This research will take almost five years, starting from the more extensive operation of monitoring systems and data assessment. Efficient biological monitoring system is a basic prerequisite for measurements of the impact of interventions on the environment and for its forecasting.

ANNEX NO. 3

WORKING GROUP FOR GEOLOGY AND SEISMOLOGY (BUDAPEST, 17 - 19 JULY 1989)

 The scientific working group dealt with the geologic, tectonic and seismic problems involved in the construction of the Nagymaros Project. The group proceeded on the basis of the material prepared by "ad hoc" group of the Hungarian Academy of Sciences, of replies of the Czechoslovak side, of additional materials, which are available to both sides.

Further data were obtained during the inspection of the construction site (pit) in Nagymaros on July 18, 1989. It was concluded, that according to international practice the relevant research is important the economic dimensioning of the structure.

Taking into consideration the above-mentioned, the seismic conditions are not a definite obstacle in engineering realization, though their consideration is necessary.

2. Geologic and seismic aspects of the security of the Nagymaros Project were thoroughly dealt with; however, it was not possible to reach an agreement.

The position of the Hungarian side is contained in Addendum No. 1, and the position of the Czechoslovak side in Addendum No. 2.

3. Plan and realization of the Gabčíkovo Project, including pertinent seismic provisions, were approved in the Joint Contractual Plan in 1976.

According to the opinion of the Czechoslovak part of the Working Group the adopted technical solution will provide safe operation of the Gabčíkovo Project.

4. The scientific working group recommends to complete, as soon as possible, the existing monitoring system, thus developing a homogenous system for monitoring seismic, geologic, hydrologic and other phenomena. The system should monitor the reach between Bratislava and Budapest and should be developed on the basis of the joint project.

The scientific working group considers it as necessary, in the interest of uniform presentation and explanation of geophysical-geological data on the entire territory, to intensify bilateral scientific cooperation. Both addenda are integral part of this document. Enclosed is also the list of the members of the scientific working group.

ADDENDUM NO. 1

POSITION OF THE HUNGARIAN SIDE

- 1. The Hungarian side has stated that it considers the data presented in the final seismic report for the G/N Project as a whole as insufficient. A complete geologic and seismic research final report has not been prepared for the Nagymaros Project.
- 2. The seismic hazards for the area of Nagymaros have not been specified.

Processed data from historical earthquakes are not available, nor the geologic-geophysics prospecting and surveys necessary for assessment of the tectonic situation (e.g. the character of horizontal displacements of fault zones under the structure is not known).

3. According to the opinion of Hungarian side it is necessary to put into operation the monitoring system prior to realization of the Project.

ADDENDUM NO. 2

POSITION OF THE CZECHOSLOVAK SIDE

1. The results of the geological prospecting for the joint investment task and contractual plan of the Nagymaros Project verified by Hungarian geologists, were regularly consulted by the Czechoslovak experts. The Czechoslovak group regards them as adequate and complete, which was confirmed also during the inspection of the open construction pit of the Nagymaros Project, on 17 July 1989, when the Group for geology and seismology and the representatives of the general designing organisation (VIZITERV) and the investor (OVIBER) were present.

The quality of the bedrock formation was verified by the fact, that in the immediate vicinity of the Danube channel insignificant water amount (250 1 s-1) is pumped from the construction pit, covering an area of 48 ha. Groundwater flow

originates especially from the contact between the sealing wall of the cofferdam of construction pit and the bedrock.

The construction pit is practically dry, giving evidence that the tectonic fractures and systems of faults are closed, filled secondary, and that there is no active fault system. As far as open fractures are concerned they were caused by blasting works in the construction pit.

The Czechoslovak side concluded, that the bedrock is a suitable formation for providing safe total stability of structures (including seismic) of the Nagymaros Project.

- 2. All available seismic publications worked out by Hungarian experts show, that in the Nagymaros area the seismic phenomena and effects of local and distant earthquakes did not exceed in the past 6 degrees of the MSC scale. According to one of the Hungarian members of the commission and to the information obtained during the inspection of the construction site (18.7.1989) the final version of the project guarantees the seismic resistance of the structure by 2 degrees higher (i.e. 8 degrees MSC) than the original (6 degree MSC). This final solution provides safe reserve and covers also eventual uncertainty in the previously assessed degree of hazard.
- 3. The Czechoslovak group recommends to supplement the existing monitoring system by additional monitoring systems (seismic, geodetic, hydrologic, and ecologic), over the period of construction of the Nagymaros Project to control the conditions occurring in the reach between Bratislava and Budapest.
- 4. The negotiations of the Group on geology and seismology were affected by the absence of geologists and designers of the Nagymaros Project, hence the approaches applied to solutions could not be adequately explained.

Conclusion:

It follows, from the above-mentioned, that the geologic and seismic conditions at the Nagymaros construction site do not present an obstacle for continued construction of the Projects.

ANNEX NO. 4 WORKING GROUP FOR PEDOLOGY, AGRICULTURE AND HYDROLOGY

POSITION OF THE HUNGARIAN SIDE

Groundwater

According to project plans, the effect of Dunakiliti impoundment on groundwater development and the influence of the abandoned channel (the old Danube) on groundwater level decreasing are compensated by a system of infiltration and seepage canals; however, the qualitative and quantitative issues were not adequately clear.

In certain localities water logging phenomena occur, sometimes drying up, which may increase by inadequate operation.

The Nagymaros impounding will increase the groundwater level within the entire badwater area. In some place, due to dredging, this may have unfavorable consequences.

Drinking water resources

The Slovak and Hungarian Lowlands have uniform hydrological pattern, therefore, similar phenomena exit. The deeper gravel layers accumulate large amounts of high quality water and thus provide water supply for several millions of inhabitants in Czechoslovakia and Hungary. Protection of these water resources is of common interest to both parties. A close cooperation of experts in of both countries is necessary in the field of drinking water quality protection and in related research.

Bank infiltration

The uniform water bearing horizons of the Kisalfold are supplied from the Danube channel by means of bank infiltration and from precipitation. The impounding, altered river channel and construction of the infiltration system will completely change infiltration conditions. In the section of impoundment, in turbid or colmataged sections, water quality changes which will occur due to seepage within the seepage system, are not completely clear.

In the section mentioned above, increase of iron, manganese, and ammonia content may be expected. Due to dredging, potential hazard of organic micropollution and other types of pollution may occur.

Ultimately, negative effects may have negative impact not only on bank infiltration, but later they may penetrate also into the accumulated water bearing layers. However, the impounding may have also favorable effects on supply dimensioning.

Soil

The groundwater in the area of Kisalfold has decisive influence on soil fertility and other soil characteristics. Groundwater level alterations will, therefore, change also the soil fertility. Flood waters conveyed by the river increase the groundwater level, causing, in some places water, legging of soils. Low water states result in dewatering and desiccation of soils.

Other potential hazards are floods, which caused considerable damage in 1954 in Hungary and in 1965 in Slovakia.

Construction of the HPP Gabcikovo reduces this danger significantly by stabilizing the groundwater level.

Regulating and controlling this groundwater level and the prevention of pollution are required to maintain soil fertility.

For this purpose, it is necessary to utilize, to the fullest extent, the committed investments.

Alterations in water regime of soils may change the cycle of substances, bringing about following (potential) conditions:

- creation of carbonates, resulting in changes of the fertile topsoil layer and tendency to desiccate
- in territories where groundwater level is reduced, hydromorphic soil characteristics undergo changes, decomposition of organic matter increases and the movement of water results in leaching of substances; fine soil particles are transported towards deeper layers, decreasing the fertile layer
- in regions where the groundwater level will increase relative to the present state, the soil will not be adequately aerated and the hazards of internal waters will increase. High carbonate content in groundwater can cause, due to capillary rise, dogging of soil. In case of salinated groundwaters, secondary salination occurs. (The potential hazard of salination is especially serious on the Slovak territory eastward from the centre of the Danube Island.)
- in case of groundwater pollution from industrial, agricultural, and municipal wastewater sources, the contamination can penetrate into the nutrients, damaging the food cycle of man, animals and plant.
- lands affected by the backwater of the HPP Nagymaros are not surveyed to the same extent on both Danube river banks. It is necessary to enhance pedologic research in the section Gonyu and Nagymaros in the same way (as on the Slovak side), to decide the extent of soil degradation.

Monitoring system

The working group placed considerable emphasis on the assessment of the initial state of hydrological and pedological conditions.

It suggested to complete the monitoring system and to put it into operation prior to the Hrusov-Dunakiliti reservoir filling.

For this purpose, its is desirable to intensify the cooperation between both sides, and consequently to specify changes, which will occur in operating this project. The monitoring system is only efficient when it is operated on both sides according to unified methods and evaluation.

The monitoring system must record groundwater levels and quality, and soil moisture distribution, as well as physical and chemical changes in the groundwater, data on soil fertility, etc.

Countryside

Topmost priority is to be given to maintaining, to the extent possible, the original character and harmonious culture of the country. As far as the environmental protection is concerned, the protected area of the midmountains, flanked by highlands and alluvial forests and the area between Borzsony and Pilis Mr. are the third most frequently visited regions by tourists.

Therefore, any intervention must considered this common national asset.

Removal of the floodplain forest ecosystem on the 70 km long section would completely change the features of the country. In the course of construction it is necessary to provide not only deforestation but also afforestation of the riparian areas.

Archaeology

Archaeological relics and monuments are to be protected at any rate. Significant historical monuments are located in the section Visegrad and Esztergom, some of which are potentially endangered by impoundments (guard towers). Excavations of medieval relics at Esztergom would be prevented by increased groundwater level. The historical monuments are to be preserved as common heritage of European significance. Also a joint archaeological research is to be considered (Commenius University, Brastilava, Archaeological Institute Nitra).

Position of the CS working group for soil, agriculture, and hydrology

Following issues were discussed:

- a) Impact of the HPP on groundwater resources (quantity/quality) in the region of Szigetkoz and Upper Danube Island
- b) Effect of HPP on soil and its fertility.

Item a)

Groundwater supplies on the Danube Island are currently exploited on the CS side by three water supply systems. The capacity for utilizable water for drinking water supply will be increased by the construction of Hrusov-Dunakility reservoir.

Similar conditions will develop on the Hungarian side. At the same time, the water table will be stabilized on a higher level (fluctuation 1 m) as compared with present state. At the beginning of operation the amount of water infiltrating into groundwater will increase, meanwhile the seepage canals on both sides of the reservoir will prevent the unfavorable lateral seepage and eventual water logging of the territory near the protection dyke of the reservoir; however the necessary time of water infiltration towards the exploited resources (wells) will be maintained. As the

colmatage process will proceed, the amount of infiltrating water will gradually stabilize. In case of intensive pumping of groundwater for drinking and process water supply, measures and technologies for increasing infiltration were suggested by CS side, by means of processes being ensured by the natural formation of filtration membranes on the bottom and by adequate filtration period.

Thus, the Hrusov-Dunakiliti reservoir will enable regulated (controlled) recharging of utilizable supplies of high quality groundwater for economically important localities on CS and Hungarian side.

The Nagymaros reservoir will not influence the groundwater regime in these localities. The Hungarian side informed the Czechoslovak side of an alleged new knowledge concerning the groundwater regime; however they did not present them and therefore the CS side cannot give its opinion to this information.

Item b)

The impact of the HPP Gabcikovo-Nagymaros on pedologic, agricultural and ecological conditions of the Danube Island, of the territory close to the river Vah mouth into the Little Danube, of the riparian zone from Komarno to the river Ipel mouth into the Danube on one side, and of Sigetkoz and riparian zone between Gyonyu and Nagymaros, and between Ipel mouth and Nagymaros on the other side, are widely different at various localities according to morphologic hydrologic and pedologic conditions.

Generally, that the present state of economical utilization and environmental protection is not the best.

Especially, water level fluctuation in the Danube, at flood water discharges during summer periods, and at low discharges at the end of the summer months and in autumn (as well as high variability of the hydrological regime in respective year), result in high water regime fluctuation connected to high waters with water logging (szigetkoz, Danube Island).

These fluctuations influence the soil fertility, stability of crop yields in wet years summers, when the harvesting on water logged lands is rather difficult. Another current potential hazard ensuing is the danger of disastrous floods (in 1954 in Hungary, in 1965 in CSSR).

By constructing of the system of HPP G/N, the flood protection will be increased to a high degree of safety.

The groundwater level in the Upper Danube Island and Szigekoz will increase due to water infiltration form the reservoir Hrusov-Dunakiliti, as mentioned earlier. In spite of that, the water level will remain in the gravel-sand subsoil and will not exert any influence of the water regime of the effective soil profile.

In the central part of the Danube Island and of Szigetkoz, groundwater level decrease will occur with an interruption of hydromorphic processes in soil; the soil being characteristic of terrestrial soils.

Extensive groundwater decrease on both sides will be prevented by regulation of water level regime in existing systems of open canals, streams and dead branches of the Danube in the present flood plans. By means of groundwater regime stabilization, conditions for regulation of their water regime will be created.

In the section of backwater from the Nagymaros dan, the tendency of groundwater level increase will be manifested, though this tendency will be eliminated by construction of canals and by increase in pumping stations' capacity, which are included in the project. By these measures a state of approximately the present level will be provided.

Submitted arguments of the Hungarian side on potential changes of soil regimes, summarized in five paragraphs, were already known in the course of investigation and research works for the preparation of the technical project, and limitation of potential negative effects had been considered in the projects.

These processes take place in all regions and soils all over the works if the water regime get changed after drainage or irrigation, and the possible intensity of changes and measures for protection are well known. These processes occur on the territory of the Danube Island and Szigetkoz regardless the construction of the HPP systems. It will be necessary to assess more precisely the areas of occurrence of respective assumed positive and or negative changes.

This, according to CS experts, can only be realized by means of construction monitoring, reservoir filling and water level stabilization, but not by means of preliminary terrain prospecting and investigation, conditioning the postponement of the HPP Nagymaros construction.

Considerable attention of the working group was given to the completion of the so-called "zero stage of hydrologic, pedologic conditions". It was agreed, that the zero stage (of gauge?) must be assessed before the filling the Hrusov-Dunakiliti zero point, (zero mark) reservoir. For this, it is necessary to intensify the cooperation between the two sides.

Special emphases was put on the cooperation in the area of accelerated monitoring system development for recording changes which will occur from the beginning of operation of the projects.

Thus, we recommend to enhance the joint assessment of the projects and of development of monitoring on both sides, and if need be propose and perform necessary measures.

The working group agreet, that neither prior to, nor during negotiations, had the Hungarian side submitted any new data or information, which were not known at the time of closing the Treaty and agreements, and which will justify the interruption of the construction of the hydropower plant Nagymaros.

Annex 66

CZECHOSLOVAK AIDE-MEMOIRE OF JULY 25, 1989

(Translation)

On instruction from the Prime Minister of Czechoslovakia, I would like to clarify some of the statements of the Government Commissioner Extraordinary for the construction of the Hungarian part of the Gabčíkovo-Nagymaros Project Mr. László Udvari, made following the extraordinary session of the Hungarian Government on July 20 of this year.

Responding to the speech of the Hungarian Prime Minister, Mr. Miklós Németh, at the plenary meeting of both delegations, the Prime Minister of Czechoslovakia, Mr. Ladislav Adamec, requested the Hungarian suggestions be submitted in writing in order to study them and to take a position on the alternatives. The Hungarian delegation, without waiting for the Czechoslovak position, in the statement of the Government Commissioner, unilaterally emphasizes only the Hungarian proposals. decision of the Hungarian delegation aimed at limiting the construction of the Gabčíkovo-Nagymaros Project shall be regarded as a unilateral step with all related consequences. Czechoslovak delegation will, for example, consider as a unilateral step by the Hungarian side, if Hungary does not dam up the old river bed of the Danube, or postpone the construction by 3-5 years, etc. In all previous talks we were informed that the temporary suspension of the work concerned the Nagymaros section only.

We are astonished, therefore, that the Hungarian Government now extends the suspension of the work to the structures of the Gabčíkovo section, which is neyond and above the framework of the decision of the Hungarian Parliament.

The statement of the Government Commissioner, Mr. Udvari, does not mention, that the Prime-Minister of Czechoslovakia explicitly spoke about compensation for damages that would result from a violation of the Treaty by the Hungarian side.

At the negotiations between the Prime Ministers of Hungary and Czechoslovakia, Mr. Ladislav Adamec stressed that the

Czechoslovak side insists on the completion of Gabčíkovo-Nagymaros Project in accordance with the Treaty and he did not find any reason to change this position. That was stressed both in the Statement of the Czechoslovak Government of May 15 of this year, and the respective resolution of the Czechoslovak Federal Assembly, as well as in a concluding televised speech of Mr. Ladislav Adamec after the talks with Mr. Németh at the joint press conference.

We confirm the agreement between Prime Ministers that by the end of October of this year these issues will be considered and resolved at joint negotiations.

July 25, 1989

MEMORANDUM ·

(Translation)

On the negotiation of the plenipotentiary of the government of the Czechoslovak Socialistic Republic and the government of the Slovak Republic for the construction and operation of the Gabčíkovo-Nagymaros waterwork system Mr. Lokvenc and the extraordinary plenipotentiary of the government of the Hungarian people's republic for the interruption of the construction of the waterwork Gabčíkovo-Nagymaros Dr. Udvari, held in Bratislava on August 3, 1989

The participants of the talks:

for the CSSR: Ing. Lokvenc, the plenipotentiary of the government of the CSSR and SSR

Ing. Veselý - the director of Vodohospodárska výstavba, Bratislava

Ing. Múčková- the interpreter

for the Hungarian people's republic:

Dr. Udvari, the extraordinary plenipotentiary of the government of the HPR.

The negotiation took place after a phone call on the request of Mr. Udvari in Bratislava, in the Forum hotel, on August 3, 1989, from 4 p.m. to 10 p.m.

Mr. Udvari said that he had contracted the Czechoslovak embassy in the HPR with aim at accelerating the meeting on the level of representatives of both governments. After consultation with members of the government of the HPR, the plenipotentiary Mr. Havas and the director general of "Oviber" Mr. Szántó, he desired to talk about two questions:

1. What kind of measures was taken in the CSSR in connection with the decision of the presidium of the PRH of July 20, 1989, on the suspension of works on the Gabčíkovo-Nagymaros waterwork system by the Hungarian party until October 31, 1989 /both waterwork Nagymaros and Gabčíkovo/? The Hungarian party interprets the speech of Mr. Adamec at the Budapest talks on July, 1989, as an agreement to the proposals of the HPR /including the proposal not to dam up the bed of the Danube river

in 1989/, because Mr. Adamec did not protest against the proposals pronounced by Mr. Németh. Therefore, the Hungarian party is surprised by the Czechoslovak party stance at the talks of the directive commission for the introduction of the objects of the construction of the waterwork into operation, established by the representatives of the common operative group of the governmental plenipotentiaries. The talks of the directive commission were held in Gyor on August 2-4, 1989 and were attended by the "SOS" leading representatives Mr. Obložinský and Szántó. The parties did not reach agreement at this negotiation on the further cooperation in connection with the Hungarian proposals. Mr. Udvári demanded the technological procedures ensuing from the Hungarian suggestion to become a subject of an extraordinary negotiation of the governmental plenipotentiaries.

2. He submits in a short way, "complete materials" from the talks of the prime-ministers of the HPR and CSSR that took place on July 20, 1989, because the originally handed over text to Mr. Adamec during and after the meeting was inexact and contained formal mistakes, he described the Hungarian media commentaries of the results of the talks as misunderstanding following from deep unfamiliarity with the problems and incorrect interpreting of the results of the talks of the CSSR prime-minister Mr. Adamec and the chairman of the council of ministers of the HPR Mr. Németh.

Mr. Lokvenc objected to the whole attitude of the Hungarian party after the talks of the prime-ministers Mr. Adamec and Németh and stated:

After the talks we anticipated /and we agreed on it with Mr. Udváry/ that the Hungarian party that suggests to make clear some questions, would table a proposal on further negotiation on the level of scientists or other experts or would make it clear how it understands the proposal to engage commonly international institutions or experts. That was what we had to contemplate, that was agreed by the prime-ministers. Mr. Adamec made a promise of our cooperation and therefore we had to agree on further concrete procedure. With astonishment we listen the proposal to open an extraordinary negotiation of the governmental plenipotentiaries that should be centred on the talks about the moderation of the time-table following from the unilateral notion

of the council of ministers of the HPR irrespective of the Czechoslovak stance toward the proposals handed over by Mr. Németh to Mr. Adamec. The Czechoslovak plenipotentiary does accept the proposal on such and extraordinary negotiations of the governmental plenipotentiaries.

It is necessary to explain to the Czechoslovak side the intentions of the Hungarian state organs. How shall we interpret the fact that the Hungarian party will discuss the Gabčíkovo-Nagymaros waterworks system in the parliament in September and, later on, Mr. Németh will inform Mr. Adamec about the decision of the parliament of the HPR by October 31, 1989 there will be no talks but unilateral dictate. Such a negotiation after the session of the parliament can't be recommended to the primeminister of the CSSR.

- it has not been made clear what is the Hungarian notion about the compensation of damages by the Hungarian party. The damage will be caused by the suspension of the construction of the waterwork system.

On the top of it, we are astonished by the unilateral interpretation by the Hungarian party, asserting that the primeminister of the CSSR agreed to the unilateral notion of the Hungarian party about the suspension of the intention to dam up the river bed by not protesting immediately. We have quoted the texts and explained the meaning of Mr. Adamec speech pronounced at the talks on July 20, 1989, in Budapest. It is impossible to come to the conclusion interpreted by the Hungarian party analysing not a simple sentence of his speech.

Since this is a very principal question of a unilateral wiolation of the treaty as well as agreements between the CSSR and HPR, we await an official note or other explication of the council of ministers of the HPR to Czechoslovakia.

We have not come to any conclusion as to the solution of the problem of the harm done to the CSSR and political consequences, we can anticipate in the sphere of mutual relations between the CSSR and HPR as we examine the interpretation announced to us now. The unilateral proposal by the HPR makes the CSSR to find the own unilateral solution.

As to the adjusted text handed over by Mr. Németh to Mr. Adamec at the negotiation on July 20, 1989, I have said that I

have to take into consideration the original delivered to Mr. Adamec. But if there had been only some mistakes or formal adjustment after translation and comparison, we will inform the Hungarian party about our position. Reacting to the introductory speech of Mr. Lokvenc about the mentioned problems, Mr. Udvári tried to explain that the Czechoslovak party interpreted incorrectly the conclusions of the talks of the prime-ministers of July 20, 1989, particulary the problem of damming up the bed of the Danube river in 1989. During the referred-to negotiation Mr. Németh mentioned allegedly twice the Hungarian proposal /during the personal confidential conversation only between the prime-ministers/ and because Mr. Adamec did not react to the proposals, did not take a position toward that, the Hungarian party regarded that as the agreement of the Czechoslovak government. With regard to this interpretation the presidium of the council of the ministers of the HPR at an extraordinary session on July 20, 1989 (after the talks with the Czechoslovak delegation) adopted the proposals, the exact wording of which Mr. Udvári handed over to the Czechoslovak party today. For better understanding the proposal contains a scheme of further steps at the realization of some of the two suggested alternatives by the HPR.

Further, Mr. Udvári said that the Hungarian party was willing to submit to the Hungarian Parliament a compromise proposal on the completion of the Gabčíkovo-Nagymaros waterworks system according to the original project /it should be postponed by one, if needed, by three - five years/. By the end of October 1989 a moderation of the Interstate Treaty on the construction and operation of the Gabčíkovo-Nagymaros waterworks system would be prepared. It would guarantee the demands concerning the protection of cleanness of water and changes of the operation system of the Gabčíkovo waterwork.

The suspension of the works by the Hungarian party until October 31, 1989, is considered a final decision and regarded as approved also by the Czechoslovak party. It means that not only works on the Nagymaros grade are being suspended but also the works by the Hungarian party carried out at the Gabčíkovo step including not damming up of the bed of the Danube river in 1989. Mr. Udvari said he believed it would be possible to discuss today

in detail the technical aspect of the realization of the proposal of the HPR, for there was not time enough for the elaboration of the proposal of the council of the ministers of the Hungarian Parliament session in September 1989. The council of ministers of the HPR awaited the position of the government of the CSSR toward two alternatives of further continuation of the construction that were referred in the materials handed over to Mr. Adamec. It is necessary for the Czechoslovak party to adopt a position toward them, particularly toward the compromise alternative. According to him the experts should talk and, later on, the prime-ministers should meet before the beginning of the session of the Hungarian Parliament.

He will inform Mr. Németh about the different interpretation of the Czechoslovak party of the conclusion of the presidium of the council of ministers of the HPR on the suspension of works on the waterwork system and, in particular, toward the not damming up the bed of the Danube river in October 1989.

As to the further cooperation of scientific institutions of the HPR and CSSR at the explanation of the objections concerning further construction of the waterwork system, Mr. Udvári was of the opinion that we can not expect more. Than the results of the up to now mutual negotiations within such a short period - by September 1989.

An International expertise can be carried out as late as at the moment of the agreement of both Czechoslovak and Hungarian party on the postponement of the damming up of the bed of the Danube river by one year or more. However, that would mean to suspend the construction of the waterwork system for longer time. In case the works are suspended for one year the Czechoslovak party must guarantee the cleanness of the water and the system of operation of the Gabčíkovo hydro power station. Because of lack of time it is not possible to launch new research. Therefore experts have to meet urgently and formulate the impacts of both alternatives upon the further construction.

If the Czechoslovak party refuses to discuss the suggestions of the HPR another situation will arise. The council of ministers of the HPR would be astonished if the Czechoslovak party does not accept the compromise proposal and if it, on the

top of it, demanded compensation for the damage. It would mean the end of the construction of Gabčíkovo-Nagymaros waterwork system. Mr. Udvári was interested in the calculation of damage in case of the application of various alternatives of the further construction. That could be required by the CSSR toward the HPR. He was interested in the position of the CSSR toward the two proposals of the HPR /the suspension of the construction for 1 of 3-5 years/.

The opinions toward the possible alternatives of the further construction of the waterwork system and repeated the old suggestions:

- 1. The completion of the waterwork system according to the original project and time-table is unreal /including the waterwork Nagymaros/, there is now chance for approval by the Hungarian Parliament.
- 2. The completion of waterwork system without the waterwork Nagymaros one year later.
- 3. The completion of the waterwork system according to the original project after a 3-5 years suspension. Meanwhile the works are interrupted, the possibility of ecological danger will be made clear with the help of experts.
- 4. The completion of the waterwork system according to the original project with 1 year postponement. The HPR can carry out this alternative.

If the conclusions are adopted by both parties, the damage following from suspension of the construction will be divided 50:50.

At the end, Mr. Udvári stressed that the council of ministers of the HPR does not mean to take advantage of the problems connected to the Gabčíkovo-Nagymaros waterwork system from the political point of view. The internal political situation is, however, serious for the council of ministers. Mr. Udvári asked the Czechoslovak party to take this reality into the consideration at the preparation of the stance of the CSSR.

He appealed to both parties to take decisions of which they would not have to be ashamed in future. The postponement of the completion by 1-5 years does not mean anything as against the respecting the original project of the waterwork system. He asked the Czechoslovak party to continue the expert negotiations and

formulate its positions concerning the Hungarian proposals including the calculation of the damage compensation to be applied. The next part of talks did not bring anything new. The Hungarian extraordinary plenipotentiary had to acknowledge our objections. he said, he would have to inform the respective organsand, first of all, Mr. Németh about the different interpretation of the results of the talks of Mr. Adamec and Mr. Németh. The hungarian party is waiting for the answer of the czechoslovak party concerning the suggested alternatives.

He said that the talks of the prime-minister should start earlier than the parlamentary session. The cooperation of scholars, with regard to the terms does not allow us to hope in the results we don t know today. The engagement of international scientific institutions would make sense only if the governments agree on a postponement. The Hungarian party will hand over an official standpoint on the damming up the Danube river. He acknowledged literally that no Hungarian affirms that Mr. Adamec had agreed to the Hungarian alternatives, but he was of the opinion, that one year postponement was acceptable, particularly in case that both parties would share the damage /it means we would share their damage - note by Mr. Lokvenc/, etc.

After all, after an exhausting discussion it was agreed as follows:

- 1. Both plenipotentiaries will inform urgently their superior organs about the situation that arose.
- 2. Mr. Udvari will ensure an official information for us about the decision of the council of the ministers of the HPR not to dam up the bed of the Danube river in 1989 and to this related and adopted measures by the respective organs.
- 3. Mr. Lokvenc will do his upmost to initiate an urgent official response concerning the proposals made to Mr. Adamec at the talks on July 20, 1989 by Mr. Németh.
- 4. Mr. Udvári will do his best to postpone the session of the Hungarian Parliament on the Gabčíkovo-Nagymaros Waterworks system. In connection with that, both plenipotentiaries will try to initiate a negotiation of the governments of both states prior to the parliamentary session. The governmental negotiation should be preceded by talks between the prime-minister of the CSSR Mr. Adamec and the chairman of the council of the ministers of the

HPR Mr. Németh. That should be preceded by talks of vice - primeministers and the council of the ministers that should prepare materials for the negotiation of the prime-ministers with aim at preventing different interpretation of the conclusions of the negotiation.

5. The plenipotentiaries agreed on the necessity to engage scientists of both states in the field of ecology, geology, seismology, pedology and water economy in the discussion about the influence of the Gabčíkovo-Nagymaros waterworks system upon the protection of the territory, shipping, production of energy and development of the area. It means to negotiate about the problems of the national economy.

As a way out alternative would be the Gabčíkovo-Nagymaros waterwork system...according to the Treaty

the Gabčíkovo-Nagymaros waterwork system...without Nagymaros the Gabčíkovo-Nagymaros waterwork system...with 1 year postponement of the bed of the Danube river

According to another alternative by 3-4-5 years

The negotiation of the economic working group will be held in Budapest on August 21-23, 1989

Written by: Ing. Lokvenc Ing. Vesely

Annex 68

(Translation)

PLENIPOTENTIARY OF THE GOVERNMENT OF THE CZECHOSLOVAK SOCIALIST REPUBLIC AND OF THE GOVERNMENT OF THE SLOVAK SOCIALIST REPUBLIC FOR THE CONSTRUCTION AND OPERATION OF THE GABČÍKOVO-NAGYMAROS SYSTEM OF LOCKS.

Bratislava, August 8, 1989

Comrade

Dr. Udvari László

Extraordinary Plenipotentiary of the Government of the Hungarian People's Republic and State Secretary at the Ministry of Transport, Communications and Construction of the Hungarian People's Republic.

BUDAPEST

Dear Comrade Udvari,

We agreed at our joint meeting on August 3, 1989 that the Czechoslovak side will receive the unilateral decision of the council of Ministers of the Hungarian People's Republic that the Danube riverbed will not be dammed in October of this year and in connection with this the Hungarian side will not dam the Szigeti Danube branch in August, as fixed in the timetable agreed by the Government Plenipotentiaries at their talks held in Bratislava on June 8 and 9, 1989. This unilateral step by the Hungarian side practically means that it will not be possible to dam the riverbed in accordance with the hitherto valid, mutually agreed date of damming the Danube riverbed in October 1989.

The above decision was communicated by comrade M. Szántó, Chairman of the Hungarian part of the Joint Operative Group. He stated that he had been authorised by the Hungarian competent bodies to communicate it to the Czechoslovak side. I would like to inform you that the decision of the Council of Ministers of the Hungarian People's Republic was announced by the head of the Hungarian part of the Joint Operative Group at talks of the "Steering Commission for Putting into Operation the Structures of the

System of Locks" set up by the heads of the Joint Operative Group and jointly put by them in charge of limited tasks of putting the structures into operation.

I consider it necessary to inform you that I am forced to ignore and to cancel the talks of the "Steering Commission for Putting into Operation the Structures of the System of Locks" concerning the damming or the Danube or the Szigeti Danube riverbeds. I protest against the fact that such a serious unilateral violation of the Treaty and Agreements should be on the agenda of talks of working groups of Government Plenipotentiaries without having officially received the decision of the Council of Ministers of the Hungarian People's Republic. I feel obliged to recall that we had agreed that the Hungarian side would communicate information to our side in this manner at our latest talks.

Moreover, I have to protest most resolutely against the core of the matter, i.e. against the unilateral decision of the Council of Ministers of the Hungarian People's Republic and the Hungarian interpretation of talks between the Prime Minister of the Czechoslovak Socialist Republic and the Chairman of the Council of Ministers of the Hungarian People's Republic held in Budapest of July 20. On July 25, on behalf of the Czechoslovak side, the Czechoslovak Ambassador, comrade Ehrenberger, presented to comrade Medgyessy, the Deputy Chairman of the Council of Ministers of the Hungarian People's Republic an Aide-mémoire to exclude misunderstanding as regards the interpretation of the position of comrade Adamec. The Aide-mémoire states that any decision of the Hungarian side aimed at restricting the construction of the Gabčíkovo-Nagymaros system of locks should be considered a unilateral step of the Hungarian side with all consequences arising thereof.

Let me conclude, comrade Extraordinary Plenipotentiary, by stating that it might become necessary to further supplement or specify this protest depending on the statement of the Council of Ministers of the Hungarian People's Republic which you have promised to send us as soon as possible.

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With comradely greetings,

(signed) V. Lokvenci

Annex 69

CZECHOSLOVAK NOTE VERBALE OF 18 AUGUST 1989

(Translation) No. 111.261/89-1

The Federal Ministry of Foreign Affairs of the Czechoslovak Socialist Republic presents its compliments to the Embassy of the Hungarian People's Republic in Prague and, on behalf of the Government of the Czechoslovak Socialist Republic, has the honour to notify its (Government's) position on the course of action taken by the Government of the Hungarian People's Republic after July 20, 1989.

Without waiting for the response of the Czechoslovak side to its proposals of July 20, 1989, the Hungarian side has taken measures to realize them. This concerns in particular the decision not to dam the old riverbed of the Danube which the Hungarian side was to carry out in the Gabčíkovo section in October 1989 in accordance with the timetable of work.

The Federal Ministry of Foreign Affairs deems it necessary to point out that the Czechoslovak side has so far always proceeded from the fact that the decision of the Government of the Hungarian People's Republic of May 13, 1989 on the temporary two-month suspension of work on the part of the Hungarian side applies only to the Nagymaros stage. This was being confirmed by the Hungarian side at all talks held so far.

The Government of the Czechoslovak Socialist Republic has not changed its position of May 15, 1989 and continues to insist on the honouring of the Treaty.

Embassy
of the Hungarian People's Republic
Praque

The decision of the Government of the Hungarian People's Republic adopted on July 20, 1989 constitutes another important shift in the so far reported intentions of the Hungarian Government.

This new decision of the Hungarian side:

- 1. Is, just as the decision of May 13, 1989, not supported by any relevant provisions of the treaty documents on the construction of the Gabčíkovo-Nagymaros system of locks and its consequences therefore constitute an act of unilateral violation of international legal obligations by the Hungarian People's Republic.
- 2. Will cause in its consequences further considerable damage to the Czechoslovak side for which the Hungarian People's Republic will have to compensate for in accordance with general international law.
- 3. Was again adopted unilaterally without consultations with the Czechoslovak side as provided for by Article 27 of the Treaty on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks.
- 4. It affects, to a great extent, also the construction of the Gabčíkovo section thus threatening the very basis of the overall concept and the construction of the Gabčíkovo-Nagymaros system of locks as a whole.
- 5. It questions the credibility of the Hungarian side at talks on matters concerning the construction of the Project.

With a view to the above reasons and facts and with reference to the international treaty documents on the construction of the Gabčíkovo-Nagymaros system of locks and relevant generally recognized norms of international law concerning international legal responsibility of states for the violation of international obligations, the Government of the Czechoslovak Socialist Republic will calculate the extent of damage so far caused to the Czechoslovak Socialist Republic by the steps of the Hungarian side and will claim compensation.

The Government of the Czechoslovak Socialist Republic at the same time reserves itself the right to claim compensation for the damage which will be caused in the future as a result of unilateral decisions of the Hungarian People's Republic.

Annex 70

(Translation)

PROTOCOL

FROM THE NEGOTIATIONS OF THE GROUP OF EXPERTS ON THE GABČÍKOVO-NAGYMAROS PROJECT HEADED BY THE GOVERNMENT PLENIPOTENTIARY EXTRAORDINARY OF HUNGARY AND GOVERNMENT PLENIPOTENTIARY OF CZECHOSLOVAKIA IN BUDAPEST ON AUGUST 21 - 23, 1989.

THE PARTICIPANTS ARE LISTED IN ANNEX NO. 1.

The Heads of the group of experts agreed to discuss the following:

- 1. General questions
- 2. Preparation of operative measures required by the new situation
- 3. Consultations of navigation experts
- 4. Consultations of working group on energy
- 5. Other questions

1. General questions

The present negotiation of experts continues the previous negotiations which were agreed on August 3, 1989. The negotiation was agreed already before the sending of the Czechoslovak Note Verbale of August 18, 1989 and it does not deal with the subject of that Note.

The Hungarian side states that the Czechoslovak side did not evaluate the proposals submitted at the meeting of the Czechoslovak and Hungarian Prime Ministers, nor the four variants proposed on August 3, 1989 in Bratislava at the special consultations of the Government Commissioner Extraordinary Dr. Udvári with the Government Plenipotentiary Ing. Lokvenc.

The Czechoslovak side stated that the evaluation of the Hungarian proposals is taking place and that they will be the subject of joint negotiations after the evaluation by the Czechoslovak side and after a preliminary delivery of relevant documents.

The Hungarian side was informed that in connection with the suspension of preparation for the damming of the Danube river bed at Dunakiliti and a possible discontinuation of Nagymaros Project, the Czechoslovak side is studying the technical counter measures.

The Czechoslovak side further stated that the designers would be studying the technical possibilities with the aim to decrease the losses from non-utilization of the Gabčíkovo-Nagymaros Project.

This question will be discussed further no later than before the negotiations of Prime Ministers of Czechoslovakia and Hungary.

2. Preparation of operative measures required by the new situation

The government plenipotentiaries invite the Heads of the Joint Operative Group to make every effort at their negotiation beginning August 28, 1989 to reach an agreement concerning works which must be adapted in contrast to the agreed schedule or which must be expeditiously carried out, taking into account the present situation and further possible government decisions. In submitting their proposals, both sides will take into account the positions of their respective governments.

The group will submit proposals, in order of their priority, to the government plenipotentiaries for discussion at the next, September meeting or at the next extraordinary meeting of government plenipotentiaries.

The Czechoslovak plenipotentiary states that in his opinion the Hungarian side will be liable for the extra costs.

In the opinion of the Hungarian plenipotentiary, it is necessary to follow the interstate Treaty in questions of possible extra costs.

3. Consultation of navigation experts

The navigation experts state that in accordance with the decision of the Danube Commission (DK/SES 45/27), the Commission must be informed at least two months before the creation

of any obstacle (Suspension or restriction of navigation) by the side which creates such an obstacle.

In the opinion of the Czechoslovak side, given the present state of construction on the Gabčíkovo-Nagymaros Project, the only solution of navigation without losses is the completion of this Project under the terms of the original interstate Treaty.

Four variants are being studied. The two sides exchanged opinions on possible impacts of these variants on the navigation.

The two sides agreed to consider as separate the following questions:

- the comprehensive impact on basic means and objects (ships, navigation line, capacities, etc.),
- the development of utilization of fuels,
- the impact of navigation on environment,
- passport and custom control
- other impacts connected with the change in evaluation of activities of navigation agencies of both sides.

Mass parameters (tonnage of transported commodities, utilization of shipping tonnage, utilization of traction in kilowatt, transport output t/km, fuel consumption in tuns etc.) will be used for this evaluation.

The results will be exchanged by the two sides by September 5, 1989.

4. Consultations of Working Group on Energy

A memorandum on the consultations of Working Group on Energy is included in Annex No. 2 to this protocol.

5. Other questions

The Czechoslovak side handed over the information on development and protection of territory.

This protocol was done in two copies in the Slovak and Hungarian language. Both texts are equally authentic. Annexes No. 1 and 2 form integral part of this Protocol.

Budapest, August 23, 1989

(Signed) Ing. Vladimír Lokvenc

(Signed) Dr. László Udvári

Plenipotentiary of the

Commissioner Extraordinary of the

Czechoslovak Government and the

Hungarian Government

Slovak Government

LIST OF PARTICIPANTS

ANNEX NO. 1

The Czechoslovak side:

Ing. Vladimír Lokvenc

Plenipotentiary of the Czechoslak

Government and the Slovak

Government

Ing. Pavel Jurášek, Csc.

Ministry of Transport and

Communications

Doc.Ing.Pavol Cibák, CSc.

Ing. Jaroslav Husárik

Czechoslovak Danube Navigation

Ministry of Forest and Water

Management

Prof.Ing.arch.R.Šteis,DrSc.

Ing. Karol Ujházy

Ing. Michal Slovák

Ing. Jaroslav Matura

Helena Múčková

Marieta Hotková

Slovak Technical University

Czechoslovak Embassy in Hungary

Czechoslovak Embassy in Hungary

Ministry of Fuels and Energy

Office of the Slovak Government

Water Development State Enterprise

The Hungarian side:

Dr. Udvári László

Commissioner Extraordinary of the

Hungarian Government and State

Secretary of the Minstry of Transport,

Communications & Construction

Hávas Peter

Plenipotentiary of the Hungarian

Government

Szántó Miklós

Zorkóczy Zoltán

Head of Hungarian section of the JOG

Ministry of Environment and Water

AIDE-MEMOIRE

ANNEX NO 2

From the negotiations of delegations of the Federal Ministry of Fuels & Energy of Czechoslovakia and the Ministry of Industry of Hungary on August 21 - 22, 1989 under the direction of Ladislav Blažek, Deputy Minister of the Ministry of Fuels and Energy of Czechoslovakia and Czipper Gyula, Deputy Minister of the Ministry of Industry of Hungary, and on August 23, 1989 on questions of energy at the Ministry of Transport, Communications & Construction of Hungary within the framework of negotiations between Dr. Udvari László, Commissioner Extraordinary and Ing. Vladimír Lokvenc.

The aim of these negotiations was to exchange opinions on questions of energy, in connection with the change of construction and operation of the Gabčíkovo-Nagymaros Project. The participants are listed in Annex No. 3.

The following was agreed on during the negotiations:

According to the Joint Contractual Plan of the Gabčíkovo-Nagymaros Project, the values of the production of electric energy and installed output during an average water year are following:

When the Gabčíkovo-Nagymaros Project is completed in accordance with the Joint Contractual Plan:

	Gabčíkovo	Nagymaros	Total
- installed output in MW	720	158*	878
- during flow operation GWh	2980	1040	4020
- during peak operation GWh	2650	1025	3675

If the turbogenerators are supplied by the Austrian company the increase of the output is expected.

If the Nagymaros Project is not carried out, then the Gabčíkovo hydroelectric power plant can be operated only at flow mode with the output of 2980 GWh/year.

These values are preliminary because of changed hydroenergy conditions, which would arise if the Nagymaros Project is not realized, and further figures and calculations are needed.

The Czechoslovak side states that:

- It persists on the realization of the Gabčíkovo-Nagymaros Project according to the valid Joint Contractual Plan in force, i.e. as far as material obligations and time schedule are concerned.
- 2) It demands the immediate continuation of works on damming the river bed of the Danube and filling the power canal which is the main condition for the successful putting of the first turbine/generator unit into operation by July 1, 1990.
- 3) It will, otherwise, adopt on its side measures necessary for putting the hydroelectric power plant Gabčíkovo into operation.
- The unilateral suspension of works by the Hungarian side causes the damage to the Czechoslovak side allocated and invested means which, if their refund is postponed by 1 year, will represent the amount of 1953 mil. USD. It indicates that a solution different from that envisaged by the Joint Contractual Plan is adopted, the new division of hydroenergy potential must be reconsidered reflecting also the ratio of investments by the Czechoslovak and Hungarian side.
- 5) It requests guaranteeing the supply of electric energy according to the Joint Contractual Plan for Czechoslovakia, also in case of postponement of construction or the change of construction or the change of operation.
- 6) If the Nagymaros Project is not completed, then the ratio of utilization of the hydroenergy potential of the Danube must be changed also with regard to the proportion of investments. This influences the ratio of benefits utilization for the Czechoslovak and Hungarian side.

The Hungarian side states that it has not got those materials which would support the Czechoslovak position as well-founded. Thus, e.g., it is necessary to clarify during legal negotiations, who caused the damage. No declaration on damage division is possible

Management

Katona András

Hungarian Workers Socialist Party

Láczai Szabó Tibor

Ministry of Industry

Kreissné Hartai Gabriella

Hungarian Energy Enterprises Trust

Vadász Gaborné

OVIBER

The participants in the Working Group on Energy are listed in Annex No. 2 to this protcol.

ANNEX NO. 3

LIST OF PARTICIPANTS ON AUGUST 21 AND 22, 1989:

The Czechoslovak side:

Ladislav Blažek Deputy Minister of Fuels and

Energy

Jaroslav Matura Deputy/Director of the

Department in the Federal

Ministry of Fuels and Energy

Vladimír Seewald Director of the Hydroelectric

Power Plants Trencin

Alfréd Ilka Technical Advisor

Karol Ujházy Czechoslovak Embassy in Hungary

L'udovit Priecel Czechoslovak Embassy in Hungary

The Hungarian side:

Gyula Czipper Deputy Minister of Industry

Tibor Szabó Láczai Chief Advisor of the Minister of

Industry

Szilárd Solti Head of Section in the Ministry of

of Industry

István Hálász Deputy Director of Department in the

Ministry for Environment and Water

Management

Annex 71

LETTER FROM THE CZECHOSLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Prague, August 31, 1989

Dear Comrade Chairman of the Council of Ministers,

At our latest joint talks in Budapest on July 20, 1989 you offered me a proposal for the further course of action regarding the construction of the Gabčíkovo-Nagymaros system of locks. The common denominator of all the variants contained in your proposals is that they are all aimed at marring the completion of the Gabčíkovo-Nagymaros system of locks or of its Nagymaros part in accordance with treaty documents in force.

After a thorough examination of all the variants contained in your proposal by the respective Czechoslovak authorities, scientific, technical, economic and other institutions, I have to reiterate that the Government of the Czechoslovak Socialist Republic insists that the construction of the Gabčíkovo-Nagymaros system of locks continue in accordance with 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 on September 16, 1977 and the Treaty Documents related to it.

On the basis of a comprehensive evaluation of the entire problem, we concluded that all the alleged principal risks you point to were taken into consideration already before and during the course of construction of the Gabčíkovo-Nagymaros system of locks. Negotiations between Czechoslovak and Hungarian scientists, technicians and economists following the suspension

Comrade Miklós Németh
Chairman of the Council of Ministers
of the Hungarian People's Republic
B u d a p e s t

by the Hungarian Government of work on the construction of the Nagymaros part after May 13, of this year failed to produce any arguments for postponing the realization or for changing the concept of construction of the system of locks as agreed in the treaty documents.

Should the Hungarian People's Republic decide, in violation of its international legal obligations, to proceed unilaterally, without the consent of the Czechoslovak Socialist Republic, with any of your proposals the Czechoslovak Socialist Republic would suffer damage worth thousands of millions in respect of blocked investment means, its energy and navigation economy, agriculture and forestry. Any such action would adversely affect the goals of water conservancy measures in a vast area of the Czechoslovak Socialist Republic and thus also urban and rural development projects in the region. The Czechoslovak Socialist Republic will claim compensation for such damage. We shall have to take in this such measures on the sovereign territory of Czechoslovak Socialist Republic which will guarantee the amount of water for the Gabčíkovo part specified in the Treaty of September 16, 1977. The measures taken by the Czechoslovak side would be only temporary since the Czechoslovak Socialist Republic will remain ready to complete the construction of the Gabčíkovo-Nagymaros system of locks under the above Treaty on the condition that the Hungarian People's Republic shows the same will and that it compensates the Czechoslovak Socialist Republic for the damage caused to it by the unlawful steps by the Hungarian People's Republic.

With comradely greetings, (Signed) L. Adamec

Annex 72

(Translation by Hungary)

Hungarian Note Verbale of 1 September 1989

The Ministry of Foreign Affairs of the Hungarian People's Republic present its compliments to the Ministry of Foreign Affairs of the Czechoslovak Socialist Republic and has the honor to hereby inform the Czechoslovak Party that it has received Note Verbale No. 111.261/89-1. dated 18 August 1989 of the Foreign Ministry of Socialist Republic of Czechoslovakia 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 Gabcikovo-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 31 October from 31 July 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 Gabcikovo-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 Gabcikovo-Nagymaros Agreement or the construction schedule. It did however acknowledge the prolongation of the suspension of work related to the project and did not raise a specific objection concerning the suspension of work related to the relocation of the Danube's bed 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 Foreign Ministry 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 suspension of the construction of the Gabcikovo-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 Gabcikovo-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, in its opinion, both Hungary and Czechoslovakia are facing an ecological emergency. The actions of both Governments must be judged in the light of this fact. The Hungarian Party can see no explanation for the Czechoslovak Party's rigid refusal to discuss ecological guarantees and an optimum regime of operations for the project. The Czechoslovak Party would not even go as far as discussing any questions which might lead to the smallest deviation from the contents of the Treaty between the two countries on the Construction and Operation of the Gabcikovo-Nagymaros Dam System, despite the fact that, on the basis of the current scientific knowledge, strong objections have been raised against the claim that the project would represent no ecological threat. 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.

Based on the fundamental principles of the Gabcikovo-Nagymaros Treaty the Hungarian Party holds that all benefits and occasional losses related to the project, as well as financial and other implications of risks related to environmental

interference, the prevention of such losses, and the reduction of risks and losses to the minimum, must be shared by both Parties. Therefore the Hungarian Party can see no justification for the Czechoslovak Party's claims for compensation to be settled without negotiations, during the suspension period.

The suspension of preparatory work related to the relocation of the Danube's bed at Dunakiliti by the Hungarian Party does not in itself represent interference either with the execution of the concept of the Gabcikovo-Nagymaros Dam System or the construction of the Gabcikovo dam. The suspension indisputably delays the putting into operation of the first turbines; however, it must be taken into consideration that this is the last chance for the two parties concerned to use the suspension period to adjust their joint project to take account of environmental protection requirements once and for all, 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 CSR 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 cooperation 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.

At expert negotiations, conducted between 21-23 August 1989 in Budapest under the leadership of the Plenipotentiaries of the two Governments, the Hungarian Party invited the Czechoslovak Party to explain the nature of the technical countermeasures that, according to the Hungarian Party's information, the

Czechoslovak Party was considering 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 Socialist Republic of Czechoslovakia to the fact that, should such counter-measures be undertaken, the Hungarian Party would regard them as a breach of the Treaty of 16 September 1977. Such a breach of the Treaty would lead to serious international legal conflicts for which the Socialist Republic of Czechoslovakia would be solely responsible. The Socialist Republic of Czechoslovakia 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

Аплех 73

(Translation)

(Extracts)

09 - 08 - 89

Protocol from the fiftieth session of the Czechoslovak-Hungarian Commission for boundary waters concerning the water management on boundary waters, September 4-8, 1989, Palárikovo Protocol from the fiftieth session of the Czechoslovak-Hungarian commission for boundary waters concerning the water management on boundary waters, September 4-8, 1989, Palárikovo.

21. Other questions and proposals

21/A Questions concerning the construction of the Water works G/N and the common boundary section of the Danube and Ipel.

The working groups for the Danube and Ipel observe regularly the questions concerning the construction of the Water works G/N and submit the following information to the Commission:

I. The Danube

1. Reconstruction of the old riverbed and branch systems on the common section of the Danube in rkm 1850-1708

The right-side dyke of the reservoir Hrušov-Dunakiliti on the Czechoslovak territory is half-built in the length of 17 km. The lower part of 2 km was finished also with strengthening. The earth works were finished at 98% in the right-side dyke of the reservoir on the Hungarian territory in the length 9,9 km. The construction of the part of dyke in the inundation area between the protection dyke and the weir Dunakiliti began to be built. The riverbed of the Mosoni Danube was partially filled, its water supply is realized through the seepage canal, respectively through the inlet structure. The connecting and guiding dyke are half-built in about 55%.

The pillars of the Dunakiliti weir were finished. The installation of segment gate was realized. The dredging of upper and lower part of cut-off is finished with exception of opening in upper part. The working group of the commission discussed, at their session of February 13 - 17, 1989, the projects of auxiliary equipment for navigation in the navigation lock of the Dunakiliti weir, the damming of the riverbed and project of transfer of the navigation. It stated, after detailed commentary of the projects, that impacts of proposed modifications and other interventions could temporary create negative conditions for the

navigation. As these impacts are only of temporary character, the traditional corrections are not economical, respectively they are not realizable before putting the Dunakiliti weir into operation, therefore it is necessary that the investment organizations prepare conditions for necessary arrangements.

On 64. session of the Joint operative group, the Hungarian side handed over a study "Arrangements of the old riverbed of the Danube" to the Czechoslovak side, which was prepared within the actual programme of the Joint Treaty Project taking into account the following demands:

- to drain such a quantity of water which exceeds the discharge capacity of the diversion canal and discharge of ice,
- to guarantee the necessary water level to supply the the river branches with water in the inundation area,
- to guarantee the minimum width of 100 m of water level,
- to satisfy the demands for sport navigation,
- possibility of realization in short time.

The Czechoslovak side agrees with the contents of this study except the technical solution of sport navigation. It will take its standpoint to the sport navigation later.

The construction of works in the right-side branch system in the inundation area is now built about 45%. The preparation of transfer of protection dyke Dunaremete began.

The project of deepening of the Danube riverbed below Palkovičovo was discussed in the commission only on its 64. session (on January 1989). In the protocol of this session, it proposes the following stages of dredging:

- I. stage 1989 April 1992
 Dredging of ditches with bottom width of 260 m on half depth, dredged quantity 7,0 millions m³,
- II. stage April 1992 April 1993: Connection of ditches, dredged quantity 5,0 millions m³,
- III.stage April 1993 December 1994 Completion of dredging.

February session and mentioned the following main comments:

- dredging, besides ford dredging, it is possible to realize it only in the navigation route in designed ditches of the project,
- it is necessary to perform the regular stabilization of water levels and bearing of riverbed. In case of negative impacts, the investing organizations are to perform immediately measures which are imposed by the water management authority,
- the investing organization, design engineers and both water management organizations will inform on every session of the Working Group about the state of dredging works and solution of existing problems.

Comments to dredging works below Palkovičovo were accepted by the Commission on its 65. session. On the basis of research performed in the meantime, the Working Group proposed that the strengthening of pillar of the bridge in Medvedov would be performed later after evaluation of experience from the dredging of riverbed.

In the backwater area of the Nagymaros project, the construction of dykes continued on the Czechoslovak territory. The works are partially stopped from May 13, 1989 on the Hungarian side. The dyking of construction ditch of the Nagymaros project was finished, the navigation continues in the temporary riverbed.

II. The river Ipel

The administrative decisions, the water and construction authorizations, which are necessary for the realization of construction of structures according to adopted time schedule, are ready. The projects take into account the comments of the Working Group. The changes of projects were discussed and authorized by respective authorities.

The construction works in the riverbed, and protection measures are realized in extent of about 60-70%. The technical conditions don't hinder the completion of works in set-up period.

The Working Group states on the basis of spot view, done on March 22,1989, that the works are realized in good quality.

The Commission approves the report and sets up to the investing agencies to realize all proposals according to the Treaty.

Annex 74

LETTER FROM THE HUNGARIAN PRIME MINISTER TO CZECHOSLOVAK PRIME MINISTER

(Translation)

Budapest, October 4, 1989

Dear Comrade Prime-Minister,

In your letter of August 31, you informed me about the fact that you had judged the Hungarian suggestions submitted at our common negotiation on July 20, at Budapest, and that you have drawn the conclusion to demand the continuation of the construction of the Gabčíkovo-Nagymaros Project according to the 1977 Treaty.

I am seriously concerned owing to the fact that you have judged again our proposals and formulated our position without organizing meritory talks on our proposals between our experts in the period between July 20 and your letter of August 31. Consultation of the experts in law and ecology was agreed upon as late as at the meeting of the Vice-Prime-Ministers on September 9.

My concern is multiplied by the fact that neither of these meetings has brought rapprochement as to the positions of the scientists.

Dear Comrade Prime-Minister,

Many acknowledged representatives of science have pointed out serious ecological risks. These risks, with regard to their character, would be proved beyond doubt in case of completion of the original project and its operation. The respective level of the scientific probability is, however, a reason to modify the original projects.

Due to the extent of work already performed, this is the last opportunity for both countries to conform the joint work to meet ecological demands. To make this complicated problem clear

Comrade Ladislav Adamec
Prime Minister
of the government of the ČSSR
Prague

for our nations and to take responsibility for the future generations, pressures both governments to put together the common and particular concerns fully and in a convenient way.

With regard to this historic responsability, the Hungarian government, on May 13, suspended work related to the construction of the Nagymaros Project on the Hungarian territory. I explained this decision in the course of our negotiation on July 20, when I informed you, as well, about the extension of the period of the suspension.

At the same time a legal dispute arose between both countries. The matter of the dispute was to what extent the steps of the Hungarian party or the refusal of the Czechoslovak party of a meritory reassessment of the Hungarian objections, could be regarded as justified or not.

I would like to put emphasis on the fact that the Hungarian government based its decisions on the provisions of the international law concerning environment protection, according to which, in case of ecological risks, states are entitled and obliged, in order to eliminate undesirable ecological impacts, to suspend work and launch talks. The Hungarian party, according to its best conviction considers these steps fully justified. Therefore I find irrelevant your demands concerning the compensation of damage referred to in your letter.

I don't understand, therefore, the statements made on behalf of the Czechoslovak government concerning the technical measures to be applied on the sovereign territory of the ČSSR in case of postponement of the damming up the river bed at Dunakiliti. You are, surely, informed about the kind of ecological danger this step represents for the Hungarian area of the "Small Wheat Island" (Szigetköz), and, in case of a flood, also for Bratislava.

The responsibility of the Czechoslovak government as far as this question is concerned, is evident. The impact of such a step would afflict not only the relations of both our countries, but it could become an international matter. The atmosphere of the former personal meeting with you allows me to hope that our nations will not appear in that unpleasant situation. I believe that before our forthcoming personal meeting, a political atmosphere and favourable situation will be created and, in the

course of the negotiation, the environment protection will become the priority and also the Czechoslovak party will take into account the warning of the scientific organs of the Hungarian party concerning the serious ecological risks. We cannot accept the general Czechoslovak opinion that most of the disputable problem could be settled and monitored also after the completion of the Gabčíkovo-Nagymaros Project and, particularly, after the headwater installation Dunakiliti-Hrušov is completed. We regard the experiment in the nature that could result in uncertain results as extraordinarily risky.

I underline repeatedly that the Hungarian government, with regard to the scientific warning, considers it necessary to make clear the ecologically exceptional situation that arises as the consequence of putting the G/N project into operation according to the original project.

In the framework of the minimalization of the ecological risks at the headwater installation Dunakiliti-Hrušov we offer the initiative to conclude an agreement between the Hungarian and Czechoslovak government on the preparation and accomplishment of the programme of the comprehensive technical, operational and ecological guarantee system protecting the water quality. It can be achieved by further concretization of the system of demands of general character contained in the paragraphs 15 and 19 of the Treaty, naturally with regard to the fact, that the earlier anchored conditions were not fulfilled in time. We suggest to conclude the agreement not later than by July 30, 1990.

The Hungarian government proposes that the Hungarian and Czechoslovak parties ask international scientific institutions to check if the agreement on the guarantee system of water quality protection and technical operation, concerning the Dunakiliti-Hrušov headwater installation, the Dunakiliti dam, the hydroelectric power plant Gabčíkovo, the bypass canal and the Nagymaros section of the Danube is respected.

By eliminating the peak hours operation of the G/N Project, the negative consequences would be removed not only in the vicinity of the Nagymaros Project, but would be also reduced in the upper section of the system. Therefore the Hungarian government proposes common negotiation on technical-economic modifications concerning the suspension of the construction of

the Nagymaros part of the project and respective modification of the Hungarian-Czechoslovak Treaty signed on September 16, 1977.

Dear Comrade Prime-Minister,

The East-European area is burdened by many points of tension. Therefore in this period of the social-economic renaissance, we can give our agreement as an example to the nations of Europe, to prove that we are ready to put in harmony people and the environment and to act together to solve such a serious problem.

(Signed) Miklós Németh

(Translation)

Budapest, October 30, 1989

(Courtesies)

Note Verbale

The council of ministers of the Hungarian Republic, with regard to the fact that both states would be in a state of ecological emergency in case the Gabčíkovo-Nagymaros waterwork system was put into operation according to the original project, stresses the proposal on modification of the Treaty on the Gabčíkovo-Nagymaros waterwork system expressed in Prague, October 11, 1989, and in Bratislava, October 26, 1989 at the Czechoslovak-Hungarian meeting. The original Treaty was signed on September 9, 1977 by the HPR and CSSR.

The proposal of the council of ministers is based on the conclusion of October 27, that reviewed and assessed Czechoslovak and Hungarian governmental standpoints and proposals pronounced at the talks of the prime-ministers.

The Hungarian party takes advantage of this way to repeat once more its suggestion to suspend the peak hours operation system to avoid state of ecological emergency, it suggests to minimalize the risks following from the basic flow operation.

To enable the minimalization of risks of the flow operation, the Government regards as necessary to prepare and conclude intergrovenmental agreement concerning the Hrušovo-Dunakiliti headwater installation, the dam Dunakiliti, the hydro power station Gabčíkovo, the diversion canal, the section of the Danube river to Nagymaros. It regards as necessary to conclude an intergovernmental agreement on the protection of water quality, technical operational system of the waterwork and on ecological guarantees. The purpose of the agreement is to determine in detail the tasks mentioned in the chapter IV. /operation of the objects of the waterwork system/, V. /water economy tasks/, VI. /shipping/, VII. environment protection/ of the Treaty, to determine executive obligations with aim at creating ecological system of guarantees necessary for safe operation.

The Hungarian party is ready to continue preparatory works

on the deflection of the Danube river flow to the Hrušov-Dunakility head-water installation in case of declaration of the intention of the Czechoslovak party to conclude the intergovernmental agreement. It suggests, as condition for the completion of the Dunakiliti-Hrušov headwater installation, the conclusion of the intergovernmental agreement.

The Hungarian party suggests to finalize the prevention of the state of ecological emergency by elimination of the possibility of the peak operation system, and suspension of the completion of the Nagymaros waterwork.

The Hungarian party informs the Czechoslvoak party that the council of the ministers of the HR will submit its suggestions to the Hungarian Parliament on October 31 and will ask the Parliament to empower it to modify the interstate Treaty in the legal way at the Czechoslovak party. If the Parliament approves this authorization the council of ministers of the Hungarian Republic will argange the suspension of private legal contracts concerning the construction of the waterwork Nagymaros. This circumstance can not be related to the violation of the up to now valid interstate Treaty and its protocols from the Hungarian party.

The Hungarian party repeatedly expresses the intention to continue, as soon as possible, the negotiation with the Czechoslovak party on the adequate level. The negotiation should concern the proposal on modification of the interstate Treaty and, in the framework of that, preparatory talks on the agreement system for the operation of the Hrušov-Dunakiliti headwater installation and the waterwork Gabčíkovo.

(Courtesies)

Annex 76

CZECHOSLOVAK NOTE VERBALE OF 30 OCTOBER 1989

(Translation)

No. 121.679/89

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 on behalf of the Government of the Czechoslovak Socialist Republic has the honour to present the position of the Government of the Czechoslovak Socialist Republic on the construction of the Gabčíkovo-Nagymaros System of Locks expressed by the Prime Minister of the Czechoslovak Socialist Republic, L. Adamec, at the meeting with Chairman of the Council of Ministers of the Republic of Hungary, M. Neméth, in Bratislava on October 26, 1989:

"The Government of the Czechoslovak Socialist Republic has complied with the wish of the Hungarian side to conclude an agreement between the Government of the Czechoslovak Socialist Republic and the Council of Ministers of the Republic of Hungary on the system of technical, operational and ecological guarantees concerning the Gabčíkovo-Nagymaros System of Locks. The Czechoslovak side has expressed its readiness to conclude such an agreement in a short time provided the Hungarian side starts without delay preparatory work on damming the Danube riverbed at Dunakiliti.

The proposal of the Czechoslovak side involves the preparation by the competent water management authorities of both states, within a fortnight, of the technical principles of the above-mentioned agreement which will be initialled at the level of deputy ministers of foreign affairs. After the principles are initialled, the Hungarian side should proceed with the damming

Embassy of the Republic of Hungary

<u>Prague</u>

of the Danube riverbed. The text of the agreement should be drawn so as the agreement could be signed at the latest by the end of March 1990.

The Government of the Czechoslovak Socialist Republic has proposed the conclusion of a special agreement in which both sides would pledge to limit or exclude peak operation of the Gabčíkovo-Nagymaros System of Locks. The proposal of the Czechoslovak side was aimed at eliminating of the fears of the Hungarian side of possible ecological impacts of the peak operation.

The Government of the Czechoslovak Socialist Republic further proposed the abolition of the provisions of the February 1989 Protocol concerning the Nagymaros section and to return to the timetable included in the October 1983 Protocol. In making this compromise proposal the Czechoslovak side was guided by the effort to enable the Hungarian side to use this period for studying the ecological questions and to submit respective proposals in due course.

All the above-mentioned compromise proposals put forward by the Government of the Czechoslovak Socialist Republic proceed from 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 of September 16, 1977 and fully conform to it.

The Hungarian side made the adoption of the Czechoslovak proposals subject to an amendment to the 1977 Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks, i.e. the abandoning of the construction of the Nagymaros part. The Government of the Czechoslovak Socialist Republic sees no reasons for amending the above Treaty.

Provided the Hungarian side makes a unilateral decision - in violation of its international legal obligations - not to

complete the Nagymaros part, the Czechoslovak side will claim compensation for damage caused to it by such step."

The Government of the Czechoslovak Socialist Republic, however, proposes to the Government of the Republic of Hungary, with regard to the fact that even after talks of the Prime Ministers in Bratislava on October 26, 1989 the two sides remain divided over the solution of the construction of the Nagymaros part, to secure the fulfilment of its obligations in respect of the construction of the Gabčíkovo part so that it could be completed in accordance with the treaty documents in force, with the conclusion of a separate agreement on the system of technical, operational and ecological guarantees as stated above. In the event the Republic of Hungary fails to fulfil its obligation and continues to unilaterally violate the Treaty and the treaty documents related to it, the Czechoslovak side, in the interest of preventing further damage, will have to proceed to the realization of the provisional substitute technical solution on the sovereign territory of the Czechoslovak Socialist Republic and drain such quantity of water of the Danube for the Gabčíkovo part as was agreed by the two sides in the Joint Contractual 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 in Prague the assurances of its highest consideration.

Prague, October 30, 1989

(Translation)

HUNGARIAN NOTE VERBALE OF NOVEMBER 3, 1989

Nr. 633-50

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czechoslovak Socialist Republic and requests it to inform immediately its Government about the following:

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

By putting the waterwork system into operation according to the original project, Hungary and Czechoslovakia would get in an ecological state of necessity, therefore the Hungarian party deems necessary to eliminate the peak operation of the Waterwork System and accordingly it deems necessary to suspend the construction of the waterwork Nagymaros.

The Hungarian party considers it necessary to cancel that part of the protocol signed in February 1989 on the acceleration of the construction at the waterwork system concerning the Nagymaros part.

Hungary considers it necessary to conclude an intergovernmental agreement in order to minimize ecological risks present in the normal operation of the Hrušov-Dunakiliti reservoir and hydroelectric power plant Gabčíkovo around the Hrušov-Dunakiliti reservoir, Dunakiliti weir, hydroelectric power plant Gabčíkovo, bypass canal and the section of the Danube river to Nagymaros as to the questions of a comprehensive system of water quality protection, technical operation and ecological system of guarantees.

To the Embassy of the Czechoslovak Socialist Republic B u d a p e s t The condition of filling up the Hrušov-Dunakiliti reservoir is the conclusion of the intergovernmental agreement. In the event of a Czechoslovak statement to be willing to conclude such an intergovernmental agreement, the preparatory work of the damming up the river bed 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 submitted within the framework of adequate legal procedures in November 1989.

The Council of Ministers of the Republic of Hungary expresses once again its intention to continue, as soon as possible, the negotiations on convenient level for the Czechoslovak party, that would enable the amendment of the interstate Treaty.

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

Budapest, November 3, 1989.

Annex 78

(Translation by Hungary)

Hungarian Note Verbale of 30 November 1989 with attached draft of proposed amendments to 1977 Treaty

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 the 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 pleasure in handing over 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 Gabcikovo-Nagymaros Barrage System.

Prior to negotiations, upon agreement as to the commencement of negotiations, the Hungarian party along with the draft 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 Gabcikovo-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 et 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 opportunity to express its highest regards to the Embassy of the Czechoslovak Socialist Republic.

Budapest, 30 November, 1989

The Embassy of the Czechoslovak Socialist Republic

The Treaty between the CSSR and the HR on the modification of the Treaty on the construction and operation of the waterwork system Gabčíkovo-Nagymaros, concluded on September 16, 1977 in Budapest and on the main principles of this modification

Introduction: with aim at preventing critical ecological situation following from the completion of the Gabčíkovo-Nagymaros waterwork system according to the treaty of September 16, 1977, the Hungarian party suggests to eliminate the peak hours operation of the waterwork system and to suspend the construction of the waterwork Nagymaros.

The Hungarian party is willing to complete and put into operation the other objects in case of creation of ecologically acceptable conditions. If the Czechoslovak party is willing to accept the modification of the Treaty of September 16, 1977, to suspend the construction of the waterwork Nagymaros and, further, if it displays its intention to conclude the Treaty on ecological guarantees (ref. to a/ of the article 2 of the draft Treaty, as well as the draft agreement amended to the theses.), then the Hungarian party will go on with preparatory works at the riverbed deflection near Dunakiliti.

The deflection of the Danube river can be carried out as late as after the conclusion of the Treaty on the system of guarantees.

These aims will be included in the following draft Treaty and draft theses on the Treaty between the HR and CSSR on the realization of the common waterwork on the Danube river and its annexes, which will be handed over before the beginning of the talks.

The CSSR, putting considerable significance to the utilization of the common section of the Danube river, and, at the same time, thanks to the progression of the results of the socientific expertises, being aware of the considerable risks that could be related to the completion of the waterwork system Gabčíkovo-Nagymaros according to the Treaty of September 16, 1977, respecting adequately the present state of the construction works of the waterwork Gabčíkovo, putting the decisive significance to the conservation of healthy environment for the present and future generations,

being aware of the fact, that good neighbourship, friendly

relations of both states and nations can be strengthen only by utilization of the common section of the Danube river that respects concern of both countries and is in keeping with general principles and rules of the international law, have decided to moderate the Treaty on the construction and operation of the Gabčíkovo-Nagymaros waterwork system, concluded on September 16, 1977, in Budapest, and to this purpose they have appointed their plenipotentiaries:

the	president	of	the	CSSR
the	president	of	the	HR

Who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article: 1

- 1/ The contracting parties have decided to modify the Trety between the CSSR and HR on the construction and operation of the Gabčíkovo-Nagymaros waterwork system, signed in Budapest, on September 16, 1977 (further Treaty) so that te concerns related to the development of water economic, energetic, shipping, farming and other branches of the national economy, in connection with the utilization of the common section of the Danube river in the area, could get into balance with concerns in the sphere of environment protection with aim at minimalizing the ecological risks.
- 2/ Following the concern of realization of these aims they have decided to eliminate the peak hour operation and suspend the construction of the waterwork Nagymaros.

Article 2

With aim at realizing the goals set up in the Article 1, the contracting parties will conclude the Treaty (agreement)

- a) on the complex system of technical, operational and ecological guarantees protecting the quality of water and eliminating, or, let's say, the minimalization of risks in the area of the Hrušov-Dunakiliti headwater installation,
- b) on the completion of the construction and operation of the Gabčíkovo waterwork the name of which will be further "The common waterork on the Danube", as well as
- c) on mutual accounts settlement of costs, expenditures or damage

resulting in relation to the modification of the Treaty.

Article 3

- 1/ The settlement of disputes in matter relating to the realization and operation of the waterwork system including the disputes that arise in relation to the necessary measures carried out with aim at protecting the evironment shall be a function of, above all, the government plenipotentiaries.
- 2/ If the governmental plenipotentiaries are unable to reach agreement on the matter in dispute, they shall refer them to the governments of the contracting parties for decision.
- 3/ If neither the governments are able to reach an agreement on the matter in dispute untill ... each of them shall be authorized to submit the dispute to the International Court of Justice (the rules for establishment and procedure of the arbitration court must be set up in th course of the negotiation) or to the international court.

Based on mutual agreement, or with regard to possible danger for the environment, the referred term can be adequately shortened.

- 4/ The contracting parties are authorized to take immediate measures to avoid a danger and at the sme time inform the other party. In that case it is not necessary to respect paragraphs 1 and 2 and such a measure won't be regarded as a violation of them. The conclusive expenditures related to such a measure will burden equally both parties.
- 5/ The contracting parties state that the decisions of the arbitration court or the international court will be acknowledged as obligatory.

Article 4

- 1/ This Treaty will be performed preliminary since the signing day. The contracting parties, apart of this day, suspend the realization of the provisions of the treaty, signed on September 16, 1977, as well as the amended protocols, signed on October 15, 1983 and February 6, 1989, that are not in harmony to this Treaty.
- 2/ this Treaty is subject to ratification. The instruments of ratification shall be exchanged . . . /place/. the treaty will be in force since the day of the exchange of the instruments of ratification.

3/ This Treaty can be modified by common agreement of the contracting parties. On the request of each of the parties shall be necessary to open immediately negotiation of the revision and modification of the provisions of the Treaty, if the reason for such a proposal is the danger of a risky encroachment into the environment. In case of dispute between the contracting parties concerning the fact if the ecological aspects are a reason for the modification of the Treaty, as decisive shall be regarded the provisions of the Article 3.

In witness where of the plenipotentiaries have signed this Treaty and have affixed thereto their seals.

Done.......

(Translation by Hungary)

Letter of 10 January 1990 from the Hungarian Prime Minister to the Czechoslovak Prime Minister

MARIAN CALFA
Prime Minster of the CSSR

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 Gabcikovo -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 Gabcikovo 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 regarding the permanent abandonment of the Nagymaros Barrage remains unchanged.

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-Hrusov Reservoir, the Gabcikovo 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 Gabcikovo hydro-electric plant dependent on the results thereof. On the basis of the results of these studies, then, we would decide upon the amendment of the international 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 amendment of the interstate treaty can be started. 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,

Miklos Nemeth

LETTER FROM THE CZECHOSLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Prague, February 15, 1990

Dear Prime Minister,

In your letter of January 12, 1990 you stressed the unsuccessful talks between representatives of the Czechoslovak Socialist Republic and the Republic of Hungary which were held in the latter half of 1989 and which dealt with the new approach of the Republic of Hungary to the completion and operation of the Gabčíkovo-Nagymaros System of Locks after May 13, 1989.

In accordance with the proposals mentioned in your letter and in the Note of the Ministry of Foreign Affairs of the Republic of Hungary of November 30, 1989, I voice support for an immediate resumption of bilateral talks which could lead above all to a joint course so that the Gabčíkovo part could be put into operation during the year 1991. The talks would at the same time prepare draft principles of amending the Treaty between the Czechoslovak Socialist Republic and the Republic of Hungary on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks of September 16, 1977 and other treaty documents on the use of the common section of the Danube so that the Government and the Federal Assembly of the Czechoslovak Socialist Republic could discuss the prepared drafts in June 1990.

Sincerely yours, (Signed) Marián Čalfa

Miklós Németh
Chairman of the Council of Ministers
Republic of Hungary
Budapest

(Translation by Hungary)

Letter of 6 March 1990 from the Hungarian Prime Minister to the Czechoslovak Prime Minister responding to the latter's letter of 15 February 1990

LE[900306]

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 Gabcikovo-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 Gabcikovo 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 Gabcikovo Barrage the results of which shoulddetermine the possible putting into operation of the reservoir and the Gabcikovo 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 recommend that the Czechoslovak party also suspend or limit work on the Gabcikovo power station and the construction projects belonging it for the purpose of preventing damage.

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. Let us not squander this historical opportunity provided by the social changes taking place.

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.

Miklos Nemeth

(Translation by Hungary)

Agreement on Joint Czechoslovak-Hungarian Cooperation in the study of surface and ground water under the auspices of the EC PHARE Program

AGREEMENT ON JOINT CZECHO-SLOVAKIAN AND HUNGARIAN COOPERATION ON THE PHARE - ENVIRONMENT PROTECTION

(Translation)

SURFACE WATER AND GROUNDWATER MODEL OF DANUBIAN LOWLAND BETWEEN BRATISLAVA AND KOMÁRNO:

ECOLOGICAL MODEL OF WATER RESOURCES AND MANAGEMENT

Groundwater is one of the most important sources of water for human life and flora and fauna in Danubian lowland, both in Hungarian and Slovak territory. The trends in the quality of ground water are worrying. Degradation and pollution of ground water is far more serious than we thought and that the quality of the groundwater is deteriorating faster than has hitherto been assumed.

In order to implement a scientifically based groundwater control programme in the Danubian Lowland territory it is necessary that a scientific research programme will be an common programme of Hungarian, Slovak and international surface water and groundwater specialists. This project shall help to initialize the international cooperation in the Danubian lowland area and help to bring to a cooperation Hungarian and Slovak specialists.

The objective of the required comprehensive study is to evaluate and verify the effects of previous activities and by the new hydraulic system of hydropower development. The goal is to define the remedial actions and optimization of all mutual interferences. A permanent optimization and management model is to be developed by this project.

Slovak, Hungarian and foreign experts will act and work together as an independent working team and will take main methodological responsibilities in the organization and execution of the project. This group will be included in coordinative and investigative group "Groundwater" which has been established at the Faculty of Natural Sciences, Comenius University in

Bratislava.

Description of conditions, specific problems to be taken into account and to be solved, methodological approach is given in the "Invitation of proposals" of this project.

At the beginning of the project definition study should be ; prepared. This study, or so called inception report shall focus the definition of special subjects related environmental and ecological effects on the Danubian lowland. This study shall prepare a working plan of required detailed studies and the integrating policy analysis study to be carried out. The main goal is the identification of the system, its components, and its boundaries with other systems within the nature and national economy. Decisions on what should be included in each system and subsystem is a part of this study. The main parts of the system are: surface water, groundwater, agriculture, population, ecology and nature of Danubian lowland. Inception report should be prepared until a month after start of work.

At the end of the project and integrated modelling system is to be developed. This system should be able to run simulation models of river flow, ground water flow, groundwater quality and impact of agriculture on groundwater to provide better understanding of the interrelated processes involved, their interactions and basis for decision making.

Bratislava - Budapest, 26. Oct. 1990 (Signed)

Ing. Domink Kocinger Dr. George Sámsondi Kiss

(Translation by Hungary)

Letter of 15 November 1990 from the Hungarian Plenipoteniary to the Czechoslovak Plenipoteniary

PRIME MINISTER'S OFFICE
DANUBE BARRAGE SYSTEM GOVERNMENT
COMMISSIONER'S SECRETARIATE
DV-KBT-529/90

To Mr. DOMINIK KOCINGER Government Plenipotentiary of the Czech and Slovak Federal Republic

Bratislava

Dear Mr. Commissioner,

We thank you for the visit by Professor Mucha and yourself on 7 November. During your visit you handed over your research proposal on the ecological modelling of the state of the subsurface water in the Danube Lowlands. After having studied your proposal, we took the following view.

This proposal is basically bilateral; it has a Czech and Slovak-PHARE programme character, offering the Hungarian Party the status of consultant. This character is contrary to the agreements made so far, according to which to prepare for decisions on a solution of the Barrage System problem, we established expert committees, and mutually invited impartial experts. Besides this, the draft handed over for signature does not completely conform to the contents of the project proposal; the latter deals with a wider subject and the commencement of operation of the Barrage System is regarded as an accomplished fact.

In spite of all this, we do not refuse to participate in the programme if it can really be made trilateral in a balanced way; under the administration of the Hungarian Academy of Sciences or the Budapest Technical University. This could make the program acceptable for us too. We will also inform Mr. Brinkhorst about the position we have taken.

This project can certainly form only on part of the research necessary for the preparation of a joint decision. We wish to come back to these tasks in the spirit of the negotiations with Mr. Minister Vavrousek and Mr. Government Commissioner Kocinger.

We were sorry to learn at our meeting of 12-18 October that because of the withdrawal of the Slovak Party, we could not accomplish the establishment of the

mutual experts committee that we agreed upon at our meeting of 6 September to clarify the still unsolved scientific questions and to invite external experts.

We took actions in this spirit; we did not make any unilateral steps and did not invite experts unilaterally.

In response to the request of Mr. Kocinger, in order to sustain the preliminary process to decisions we agreed to take the initiative and hand over the summary of the experts opinion letters again, which served as the basis of the decisions made so far by the Hungarian Party. The argument for this request was that the Hungarian Party was alleged to have withdrawn these experts letters at that time.

At our meeting on 7 November, we managed to make it clear that this withdrawal had not taken place. In spite of this, to assure good cooperation I enclose with my letter the list of studies by bilingual experts compiled in 1989, complete with the list of the decisions of the Hungarian Government that served as the basis of the Hungarian Government decision and the mutual experts negotiations.

For our meeting projected for the middle of December (entered into our minutes made at our meeting of 17-18 October), we will prepare and hand over further materials which will be suitable for serving as the basis for our mutual decision preparation. This will be the summary of the joint experts materials and the official professional materials.

Finally, I wish to inform the Mr. Commissioner that in accordance with our talk in September, we have formed the professional work groups within the framework of the Hungarian Academy of Sciences and are ready to check their arrangements with you.

Budapest, 15 November 1990.

Sincerely,

Dr. György Sámsondi Kiss

List of the 1989 (bilingual) experts materials, complete with the list of official Hungarian professional materials which served as the basis of the Hungarian government decisions and mutual experts negotiations

- * bilingual (handed over)
- ** Hungarian (amendment)
- * Hungarian Academy of Sciences

OPINION LETTER

about the termination abandonment or the environmental-ecological water quality and seismological effect of the execution of the Nagymaros Barrage System

Budapest, 23 June 1989

MINUTES

about the Hungarian-Czechoslovak experts negotiations concerning the Temporary suspension of the work the Nagymaros Barrage System

The negotiation was carried on in Budapest on 17-19 July 1989

MINUTES

about the negotiations of the international legal experts of the Republic of Hungary and the Czechoslovak Socialist Republic, which were focusing from the point of view of their execution on the interpretation of the documents about and connected to the 1977 Treaty about the construction of the Gabcikovo-Nagymaros Barrage System

Prague, 20 September 1989

MINUTES

about negotiations of the Hungarian and Czechoslovak scientific experts concerning the water quality and ecological questions of the Dunakiliti-Hrusovo Reservoir

Bratislava, 27 September 1989

Summary of the technical-ecological preconditions of the possible termination abandonment of the construction of the Nagymaros Barrage System and Hydroelectrical Power Plant

Compiled by

(experts committee) set up by Deputy Prime Minister Medgyessy Péter to summarize the investigations and proposals defined and executed in the amendment of the resolution No. 1071/1989 (15 June) of the Council of Ministers with regard to the resolution No. 3205/1989 (20 July)

II/a Experts committee

Budapest, August 1989

II/b Experts Committee

PRESENTATION

summary of the legal preconditions concerning the modification to the interstate treaty of the possible termination abandonment of the construction of the Nagymaros

Barrage System

The independent experts

Committee participating in the preparation
of the Council of Ministers presentation

SUMMARY for the Council of Ministers

during the suspension of the work at Nagymaros, about the results of investigations made about the ecological-environmental, technical, economical, international and legal questions of the Gabcikovo-Nagymaros Barrage System

Budapest, September 19

THE POSITION TAKEN BY THE WWF ABOUT THE GABCIKOVO-NAGYMAROS BARRAGE SYSTEM

WWF-Auen-Institut, Rastatt
August 1989

THE POSITION TAKEN BY THE MEMBERS OF THE EXPERTS COMMITTEE set up by the Head of the "KFH" on the basis of the resolution MT 1071/89 dealing with geological-geophysical questions concerning the construction of the Gabcikovo-Nagymaros Barrage System

Budapest Central Geological Institute 3-7 July 1989

Environmental and Economy of Water-Supplies Ministry

Specification of further steps to be made and guarantees concerning the prevention of the water quality deterioration of the Danube

Budapest, July 1989

Environmental and Economy of Water-Supplies Ministry

PROPOSAL

for the specification of the possible operational modes appropriate to the ecological requirements and exemt from environmental risks of the Gabcikovo-Nagymaros Barrage System

Budapest, 7 July 1989

Environmental and Economy of Water-Supplies Ministry

Completion of the Szigetköz water supplement system and the regulation of the Old (Szigetköz)-Danubewater output

Budapest, July 1989

Environmental and Economy of Water-Supplies Ministry

IV/I. The technical and planning tasks of the termination of the Nagymaros Barrage System and Hydroelectric Power Plant, the technical preconditions of the normal operation mode of the whole Hydroelectric Power Plant, the environmental-ecological effect investigation of the operation mode

Budapest, 21 July 1989

Ministry of Transport,
Telecommunication and Construction

Preconditions of continuous assuring of the Danube navigation

(Compiled as the enforcement of the Council of Minister's No. 1071/1989 resolution point IV/2)

Budapest, July 1989

Hungarian Electricity Works Trust

Industrial Ministry

The effect of the peak operation of the Gabcikovo-Nagymaros

Barrage System or the execution of the possible termination of the Nagymaros Barrage

System on the Hungarian electric power system

(Discussed by the authorised experts of the Bajcsy-Zsilinszky Baráti Társaság, the Duna-kör and the Vásárhelyi Pál Társaság)

Budapest, July 1989

Environmental and Economy of Water-Supplies Ministry

Composition of Hungarian proposals and preparation of company negotiations for the possible termination or modification of the private legal contracts concluded between Hungarian and Austrian companies

Budapest, July 1989

(Translation)

LETTER OF 21 NOVEMBER 1990 FROM CZECHOSLOVAK PLENIPOTENTIARY TO HUNGARIAN PLENIPOTENTIARY

Bratislava, November 21, 1990 No. SV-163/90

Dr. György Samsondi Kiss Governement Plenipotentiary for the contruction and operation of the Gabčíkovo-Nagymaros Project Budapest

Dear Mr. Government Plenipotentiary,

On Monday, November 19, 1990, I received from the Czechoslovak Embassy in Hungary your letter of November 15, 1990.

In regard to the request for PHARE assistance, allow me to express my view, that our proposal for joint approach is not contraditory to our prior agreements. I informed you already at our first meeting in Bratislava on September 6, 1990 that the Czecho-Slovak side is considering availing itself of the European Communities offer in solving all outstanding questions of the impact of operation of the Gaběíkovo Project on the environment. In order to achieve results acceptable to both Parties to the Treaty, I proposed to the Hungarian side a joint approach of utilization of expert and financial assistance within the PHARE programme, which, so far, is really bilateral between Czechoslovakia and the European Communities. In order to expedite the progress and to secure financial assistance, we developed a plan entitled "The Proposal for an Agreement on Joint Cooperation under the PHARE programme", which we sent to you on October 26, 1990 with a proposal to negotiate it on November 7, 1990 and to possibly conclude an agreement. I don't see this as contradictory to our prior agreements, nor an unilateral steps at all. Our proposal for a joint modelling of surface and ground water stands, even if PHARE assistance is not granted. With this approach, we can specify and solve other problems as well.

I note with pleasure that the Hungarian side is considering participation in the plan and I am awaiting your proposals on reaching a balanced trilateral agreement.

(Translation by Hungary)

Letter of 14 December 1990 from Hungarian Prime Minister to Czechoslovak Prime Minister The Prime Minister of the Republic of Hungary

MET-5284/2/1990

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

Dear Mr. Prime Minister!

The unresolved issue of the Gabcikovo - 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. Samsondi 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 Economic Community according to our agreement with (E.C.) Plenipotentiary Ripa de Meana. The Czech and Slovak and Hungarian section of the committee will seperately 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, Dr.Jozsef Antall

LETTER FROM CZECHOSLOVAK PRIME MINISTER TO HUNGARIAN PRIME
MINISTER OF 15 JANUARY 1991

(Translation)

Prague, January 15, 1991

Dear Prime Minister,

With reference to your letter of December 14, 1990, I would like to inform you of the measures taken by the Government of the Czech and Slovak Federal Republic on the Gabčíkovo-Nagymaros System of Locks.

The Government of the Czech and Slovak Federal Republic has expressed its agreement with talks with the Hungarian side on the comprehensive solution of problems of the Gabčíkovo-Nagymaros system of locks at the level of government delegations and has appointed Vladimír Mečiar, Prime Minister of the Slovak Republic, head of the Czechoslovak government delegation to talks with the Hungarian side.

The Government of the Czech and Slovak Federal Republic at the same time authorized Josef Vavroušek, member of the Government of the Czech and Slovak Federal Republic, to organize international assistance in considering the ecological problems posed by the Gabčíkovo-Nagymaros system of locks in close cooperation with the Chairman of the Slovak Commission for Environment.

Dear Mr Prime Minister, I believe that the measures adopted by the Government of the Czech and Slovak Federal Republic will help resolve the complicated question of the Gabčíkovo-Nagymaros system of locks.

Sincerely yours, (Signed) Marián Čalfa

Mr József Antall Prime Minister of the Republic of Hungary Budapest

(Translation)

Memorandum

from the negotiations of delegations of Czech and Slovak Federal Republic and the Republic of Hungary about problems of common G/N Project.

The negotiations took place on April 22, 1991 in Budapest. The list of participants in enclosed in Annex No 1 of this aidememoire. The Czech-Slovak government delegation has been prepared for these negotiations on April 20, 1991 in the office of the government of SR.

The negotiations were opened and the Czecho-Slovak government delegation was welcomed by Ferenc Mádl, minister without portfolio of the Hungarian government. He stated at the beginning that the delegations had a serious task to solve because the stances of the governments of ČSFR, SR and HR are contradicting in the case of G/N Project and all present are responsible for the results of these negotiations.

Both delegations confirmed the validity of 1977 Treaty between ČSSR and HPR concerning the construction and operation of G/N Water System of Locks signed in 1977 (hereinafter "interstate Treaty") and stated their reasons of their respective stances to the fulfilment of the Treaty.

The Czecho-Slovak government delegation characterized the standstill of the G/N Project by the Hungarian side without an agreement with the contracting partner as an unilateral step and violation of the interstate Treaty. The Czecho-Slovak side has asked since the standstill of works on the Nagymaros step in May 1989, to submit the scientific and experts documents and reasons for this conduct of the Hungarian side. All materials submitted up to this time are more of scientific-popular character without explicit scientific analyses evidence which and characterize the needy stand, resp. ecological catastrophe on the Particular Hungarian territory. The Czecho-Slovak side has thus 90t no reliable document which would justify the stoppage of Construction nor the termination of valid interstate Treaty. With regard to keep friendly relations between our countries, we have not yet forced the questions of compensation of damages which have arisen and arise through this stance of the Hungarian side, but we don't give up these demands. With regard to the necessity

of protection against floods of adjacent territory, to guarantee the international navigation on the Danube which will increase substantially after completion of the Rhine-Main-Danube canal in 1992 and to cover the deficit of electrical energy production in Slovakia, the Czecho-Slovak side cannot stop the works on the construction of Gabčíkovo waterwork.

A waterwork of such extent means naturally an interference into the nature, but the humanity disposes with new knowledge which can specify and eliminate the negative impacts. The Czecho-Slovak side is prepared to cooperate with Hungarian side and to look commonly for ways to specify and minimalize them. The cooperation has a condition that the works of experts be finished by the end of July 1991 and on the basis of results, the government delegations would decide about further progression in the G/N Project by the end of August 1991.

The Czecho-Slovak side asked the Hungarian side to give over the buildings and facilities still in construction of Hungarian suppliers on the ČSFR territory with aim to return temporary occupied agricultural land. These questions will be finished by government plenipotentiaries.

The Hungarian government delegation as it claims follows from the public opinion, scientific knowledge, government and Parliament decisions of the Hungarian Republic which took into account a man, protection of environment and preservation of nature for future generations on the territory of Hungary and ČSFR in their decisions and on the basis of principle that it is necessary to keep friendship and cooperation between HR and ČSFR and by solving common problems to enter into Europe. They described the construction as megalomaniac and pseudoscientific arrogance of former leaders of socialist countries who wanted to win over the nature. They made reference to the declaration of our president Mr. Havel, the last one in Visegrad, that such a Construction would not have been done nowadays. In many European states, many dangerous constructions were stopped Operation was stopped. The Hungarian side thinks that the G/N Project and its operation would cause irreversible ecological damages.

The supply of drink water for some millions of inhabitants, the water quality in the Danube and fishing, the ecosystem of

is as well dangerous that our knowledge about seismic influence, geology and geological qualities are insufficient. The Hungarian delegation stressed that the whole territory of Visegrad-Nagymaros and the Danube section is a country of European importance with special importance for Hungary. This territory would be devaluated by the construction of energetic waterwork. The Hungarian side and government consider the electric energy production in Gabčíkovo step without significance and propose to compensate this energy with the production in gas turbines. According to Hungarian experts, it is possible to reach the suitable conditions to guarantee the navigation in the Danube bed and the Holland institution for navigation development could help us.

With regard to these facts, the Hungarian delegation is persuaded that the stoppage of G/N project from the Hungarian side was not legal violation of interstate Treaty. It is in interest of both nations that we terminate the interstate Treaty and corresponding agreements by a common agreement and we work out a new Treaty. We would elaborate a treaty about the cooperation in ecological restoration of said territory. protection of drinking water, protection against floods, navigation development and the questions of damage compensation. The Hungarian side stops all works on the G/N Project till the elaboration of such a treaty and proposes to the Czecho-Slovak side to do the same decision. The Hungarian side is conscious about the fact that the Czecho-Slovak side had performed more work and by final accounting, the Hungarians side will have to pay the difference in costs. It agrees with this solution in interest to preserve the mentioned values.

The Hungarian side declared that it could agree with discussing all disputable questions, especially ecological, groundwater protection and surface water protection in common working groups only under condition that the Czecho-Slovak side immediately stops works on the Gabčíkovo step. It agrees to expert works only with fulfilling this condition, and it proposes to prolong the date of finishing the works up to October 1991. The Hungarian side agreed only to continue the cooperation between the Hungarian and Slovak Academies of Sciences.

The members of the Czecho-Slovak government delegation stressed in the discussion that just the problems of a man, his protection against floods are one of the main reasons of the G/N project. The ecological risks mentioned by the Hungarian side were proposed to be solved already in the last year, i.e. to specify and propose commonly their solution either within the programme PHARE or with participation of Hungarian experts in our working group of Prof.Mucha. The Hungarian side did not accept our suggestions. The seismic problems and safety of all constructions of G/N Project were examined in detail by both sides in July 1989 and the Hungarian side accepted at that time the arguments of the Czechoslovak experts.

navigation parameters Danube in the river recommended by the Danube Commission were examined by Czecho-Hungarian experts a long period before construction of Project. The the G/Nresults examinations proved that the navigation parameters could not be reached only by regulation measures in the Danube river bed, but with the construction of water schemes as did the Germans and the Austrians. The utilization of gas turbines in thermal power plants in CSFR is known and used but they cannot contribute with their capacity substantially to the production of electrical energy in Slovakia.

The chiefs of government delegations agreed that they would inform their governments and parliaments about the results of negotiations. They agreed that the cooperation of academies of sciences would go on without any practical importance for quick decision about further progress. They agreed upon further discussions which are considered as necessary. At the end a declaration was made which is annexed as No 2 to this aidememoire.

Bratislava, May 7, 1991

Done by: Miroslav Šándor

Ivan Zuzula

(Translation)

DECLARATION

FROM THE NEGOTIATIONS OF CZECHO-SLOVAK GOVERNMENT DELEGATION AND HUNGARIAN GOVERNMENT DELEGATION ABOUT CONSTRUCTION AND OPERATION OF WATER SYSTEM OF LOCKS GABČÍKOVO-NAGYMAROS.

The Government Plenipotentiaries of the Czech and Slovak Federal Republic, the Prime Minister of the Slovak Republic Vladimir Meciar, and of the Hungarian Republic, Minister without Portfolio Ferenc Mádl, met for the first time on 22 April 1991 in Budapest to discuss all questions concerning the Gabčíkovo-Nagymaros Project. Both sides considered these negotiations as very important. They informed each other about official positions and views of their respective Governments which analysed the causes of existing differences.

The heads of delegations agreed that they would inform their respective Governments and Parliaments about the content of negotiations. An agreement was further reached that the Academies of Sciences within their cooperation would continue their research with participation of experts from other specialised institutions. It was also stated that both sides considered further negotiations as necessary. Time and place of these negotiations will be determined later.

Budapest, April 22, 1991

(Translation by Hungary)

Resolution No. 26 of the Hungarian Parliament of 23 April 1991

Parliamentary Resolution 26/1991 (IV.23.) Regarding the Government's Responsibility In Connection With the Gabcikovo-Nagymaros Barrage System

- 1. Recognizing the fact that the initiation of the operation of the barrage system or any related project 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 dissolution by joint agreement of the Treaty concluded on 16 September, 1977 regarding the Completion and Operation of the Gabcikovo -Nagymaros Barrage System and any and all such agreements which the State Parties to the treaty and/or their authorized bodies have concluded for the purpose of the execution of the aforementioned Treaty;
- to concurrently initiate the conclusion of a new international treaty to settle the issue of the consequences of the non-construction (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 supply;
- 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. The 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.

The Parliament requests the Government, to come to 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. The Parliament requests the Government, to discontinue state investment in the Gabcikovo-Nagymaros barrage system and instructs the State Auditing Bureau 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 s.k. Speaker of the Parliament

Dr. József Horváth s.k. Clerk of the Parliament Zoltán Trombitás s.k. Clerk of the Parliament

(Translation)

PROTOCOL

of negotiations between Government Plenipotentiaries regarding the Gabčíkovo-Nagymaros project held on July 10, 1991 in Budapest.

Participants are listed in Annex I to this Protocol.

Government Plenipotentiaries agreed on the following agenda:

- 1. Report of the Heads of the Joint Operational Group (hereinafter JOG) on its activity.
- Positions with regard to a request of Government Plenipotentiaries for boundary waters from 51st session of the Czechoslovak - Hungarian Commission for Boundary Waters on resolving navigation conditions in the Danube reach Rajka-Szob.
- 3. Issues raised in the documents exchanged during the negotiation of government delegations held on April 22, in Budapest.
- Miscellaneous.
- 1. Report of the Heads of JOG on its activity.

This report is contained in Annex II to this Protocol and includes the following two chapters:

Chapter A: Issues resolved on the JOG level

Chapter B: Issues requiring decisions of Government Plenipotentiaries.

Issues raised in the first chapter and resolved at the JOG level were duly noted by the Government Plenipotentiaries who asked the JOG Heads to elaborate on items presented under A 10 & A 11 for submission at the next meeting of Government Plenipotentiaries

Before considering items sequentially as listed in the second chapter, the Hungarian delegation stated its principal position:

Delivery of structures or construction sites on the Czechoslovak territory not yet completed by Hungary depends on intergovernmental negotiations on the fate of the interstate Treaty of 1977.

The Hungarian side had been carrying out construction under terms of the interstate Treaty of 1977 and the intergovernmental Agreement on Mutual Assistance, which detailed specific items of the Treaty of 1977. The delivery of these structures and construction sites cannot be separated from the abovementioned and therefore the Government Plenipotentiaries cannot agree on it.

The Plenipotentiary of the Czechoslovak Government does not agree with the position of the Hungarian delegation and recommends delivery of these structures to the Czechoslovak investor regardless of the results of negotiations of the intergovernmental delegation, which will be held on July 15, 1991 in order to retain the substance of these structures and construction sites.

Negotiations of items requiring decisions of government Plenipotentiaries.

B.1 Removal of earth closure downstream of Hydroelectric Power Plant Gabčíkovo.

- Government Plenipotentiaries agreed to joint measuring and bearings of the construction sites will be carried out jointly by both parties within the scope of the JOG.
- Position of the Hungarian delegation: the earth closure is a Hungarian construction site and its delivery can be decided only after the results of intergovernmental negotiations are announced.
- Government Plenipoteniaries did not reach an agreement and therefore this item is submitted for decision to governmental delegations.

- B.2 Transfer of incomplete structures and construction sites of the Hungarian side on the Czechoslovak territory to Czechoslovak side.
- Government Plenipotentiaries agreed that the bearings of construction sites will be carried out jointly within the scope of JOG.
- Position of the Hungarian delegation: transfer of construction sites can be decided only after the results of intergovernmental negotiations are known and depending on intergovernmental negotiations.
- The Government Plenipotentiaries did not reach an agreement and therefore this item is submitted for decision to government delegations.
- B.3 Removal of stored material and temporary structures of the Hungarian side on the Czechoslovak territory.
- The Government Plenipotentiaries agreed to jointly measure areas and volumes of storages within the scope of JOG.
- To lessen damages and to free lots temporarily occupied, the Plenipotentiaries of the Czechoslovak Government asked the Hungarian delegation to resolve by September 30, 1991 the removal of stored materials and temporary structures on the territory of Czechoslovak
- Position of the Hungarian delegation: it cannot remove stored materials (stone and concrete blocks) and due to high value of these stored materials, it cannot transfer them free of charge.
- The Government Plenipotentiaries did not reach an agreement and therefore this item is submitted to governmental delegations.

B.4 Activating a 100/110 kv transformer station.

In order to loop existing 400 kv lines Podunajkebiskupice to Györ at switch station Gabčíkovo, the Government Plenipotentiaries agreed, that the Hungarian side will carry out the work agreed to during JOG negotiations on the 400 kv switch station at Györ, and that the Czechoslovak side will forward its request to the Hungarian side three

months prior to planned looping and will submit for negotiation a program of putting the transmission line 400kv into operation.

The Czechoslovak Plenipotentiaries took note that the Hungarian Plenipotentiaries had relieved the Energy representative from permanent membership on the JOG, while assuring the Czechoslovak side of continued contacts through the JOG and adhering to terms of prior agreements.

B.5 Procedures for taking over of structures of joint ownership.

- The Hungarian Plenipotentiaries asked the Czechoslovak side to continue sending invitations for such taking over. The Hungarian Plenipotentiary promised his delegation will participate in divestitures of those structures, which in the current position of the Hungarian side are of common interest.
- 2. Position with regard to a request of Government Plenipotentiaries for boundary waters form the 51st session of the Czechoslovak Hungarian Commission or Boundary Waters on resolving navigation conditions in the Danube in the reach Rajka-Szob.

According to the Protocol of the 51st session of the Czechoslovak - Hungarian Commission for Boundary Waters, the Government Plenipotentiaries noted in agreement, that the navigation conditions on the Danube are gradually deteriorating and that to provide safe navigation it is necessary to undertake accelerated improvement measure. The Government Plenipotentiaries for construction and operation of the Gabčíkovo-Nagymaros Project, were asked to provide technical measures required for resolving navigation problems and simultaneously to work out the proposal for the financing of the development of a class IV European navigation route, in such a way as to allow the completion of some important works in 1991. In particular, six crucial sites have been designated.

In the opinion of the Czechoslovak Government Plenipotentiary, to maintain the navigational parameters recommended by the Danube Commission is technically and financially feasible for the reach Rajka-Szob only by means of impounded water. This solution is guaranteed fully and within realistic financial conditions

only with the Gabčíkovo-Nagymaros project (GNP). Measures not incorporating the GNP are technically feasible only marginally. Additionally, given the present knowledge of riverbed channel formation, other solutions would result in disproportionately greater financial burden than measures taken under the GNP. Measures targeting long-term solution of navigational parameters by means of traditional river flow control would carry real ecological risks, with consequent impact on adjacent ecosystems. It is for these reasons that the Czechoslovak delegation requests completion of this scheme and is putting into operation under the terms of the 1977 interstate Treaty and the Joint Contractual Plan.

Following is the position of the Hungarian Plenipotentiaries with regard to the request contained in the Protocol of the 51st session of the Commission for Boundary Waters:

Technical problems may be divided into two groups:

- Maintaining navigation by temporary means (during suspension of works on the GNP).
- Maintaining international navigation route after a decision on the final fate of the Project and of the pertinent section of the Danube.

In both cases drinking water resources can be preserved and a priority can be placed on ecological concerns.

The Plenipotentiary of the Hungarian government does not intend to commit himself to developing technical solutions, but accepts the responsibility for exceptional measures required during the suspension of works.

The positions of the Hungarian Plenipotentiaries for the GNP and for Boundary Waters are in agreement and they express willingness to cooperate with the Czechoslovak Plenipotentiaries in the assignment of tasks.

The Commission for Boundary Waters had started this work by demarcating and investigating sections 3 & 3, which require immediate intervention.

3. Issues raised in the documents exchanged during negotiation of government delegations, April 22, 1991 in Budapest.

The Czechoslovak Plenipoteniary stated that, at the request of the Hungarian delegation a statement on ecological issues will be submitted at the meeting of governmental delegations on July 15, 1991 in Bratislava.

4. Miscellaneous

In response to a request of the Hungarian Plenipotentiary the Czechoslovak Plenipotentiary stated, that pumping of water into the headwater canal will be carried out with the aim of preserving the substance of the structures and in accordance with the procedures listed the Joint Contractual Plan.

The Hungarian Plenipotentiary objected, because under his instructions, he was not authorised to agree with measures and expenses which would facilitate putting this structure into operation.

This protocol was done in duplicate, in Slovak and in Hungarian languages, both texts being equally authentic.

Budapest July 10, 1991

Government Plenipotentiary of Czechoslovak (Signed) Ing. Dominik Kocinger Government Plenipotentiary of Hungary (Signed) Dr. Gyôrgy Sámsondi Kiss (Translation)

Communiqué from negotiations

On July 14 - 15, 1991, the negotiations of governmental delegations of Czechoslovakia and Hungary concerning the G/N Project took place in Bratislava. The Czechoslovak delegation was led by the Prime-Minister of the Slovak Republic Ján Čarnogurský and the Hungarian delegation was led by the Prime Minister Ferenc Mádl.

The Czechoslovak delegation expressed willingness to solve the situation on the basis of an overall of all alternatives submitted by both sides. It proposed to establish a commission composed from representatives of Czechoslovakia, Hungary and European Communities which would study all variants submitted by July 31, 1991. The variants would be studied comprehensive with special attention to ecological problems. The commission would submit the results to the heads of governmental delegations. Way of further proceeding would be agreed between both delegations. For Czechoslovak side is acceptable only such variant which would make possible to put the Gabčíkovo project into operation.

The Czechoslovak side underlined that the commission's activity would not affect the rights of the Czechoslovak side for compensation of damages caused by prior unilateral steps of Hungarian side. Regarding the growing damages, the Czechoslovak side cannot accept the proposal of the Hungarian side to suspend works on the Gabčíkovo project.

The Hungarian side, in accordance with its mandate, proposed to drop the works on Gabčíkovo project and to terminate the 1977 Treaty, and proposed the cooperation on solving ecological, navigation, flood protection and energetical problems in the new situation. Referring to different variants of operation submitted by the Czechoslovak side the Hungarian side stressed that it could not agree with any solution which would question the legal status of the Danube as a frontier river.

In order to identify jointly ecological risks the Hungarian side proposed to establish a bilateral expert and scientific commission and asked to suspend all works on the Czechoslovak

side during the activity of this commission.

The delegations agreed to inform their Governments and Parliaments about these proposals and by September 16, 1991 to inform each other about their standpoints concerning establishement of such a commission. Thereafter the next negotiation of governmental delegations would take place.

Bratislava, July 15, 1991

JUDr. J. Čarnogurský head of the Czechoslovak delegation Ferenc Mádl head of the Hungarian delegation

(Translation)

RESOLUTION

of the Government of the Slovak Republic of July 23, 1991, No. 384

regarding the Report on the results of the state study on putting into operation the Gabčíkovo Project by the provisional solution.

The Government

A approves

on the basis of conclusions of the state study on putting into operation the Gabčíkovo Project by provisional solution with following binding data of the construction (1991 prices):

Putting the Gabčíkovo Project into operation by the provisional solution

8,413 million CSK

Break-down:

(a)	Water	management	part
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- to finish work for (instead of) the

Hungarian Republic on the Czechoslovak

territory 415 million CSK
- complementary flood protection measures 203 million CSK

- improvement of the inundation area in the

section of the bypass canal 406 million CSK

- provisional solution of the reservoir on the

Czechoslovak territory from it to reach elevation 6,483 million CSK 129,00 m BPV 2,563 million CSK

TOTAL 7,507 million CSK

(b) Energy part

906 million CSK

Annual production of electric energy in a year with an average water discharge

1758 GWh

Break-down:

- hydroelectric power plant Gabčíkovo

1317 GWh

- other hydroelectric power plants

441 GWh

Beginning of the construction:

September 1991

Putting the first turbine/generator unit of the hydroelectric power plant Gabčíkovo into experimental operation

October 1992

Completion of the construction

December 1995

B. agrees

- 1. to begin, in September 1991, construction to put the Gabčíkovo Project into operation by the provisional solution;
- 2. to provide guarantees of the state budget of the Slovak Republic for credit given by commercial banks to finance the energy part of the construction;

C. imposes

- upon the Minister of Finance to guarantee the financing of the water management part of the construction to put the Gabčíkovo Project into operation by the provisional solution from the state budget of the slovak Republic and to discuss with the Minister of Finance of the Czech and Slovak Federal Republic the share from the federal budget;
- 2. upon the Minister of Forestry and Water Management and the Minister of Economy to approve the order of construction to put the Gabčíkovo Project into operation by the provisional solution;
- 3 upon the Prime Minister to inform the Slovak National Council on the results of negotiation of Government delegations of Czechoslovakia and Hungary

and on further procedure to solve the construction of Gabčíkovo-Nagymaros Project.

D. authorizes

the Minister of Finance to sign the letter of guarantees for credit given on the energy part.

For action by: Prime Minister, Minister of Finance,

Minister of Forestry and Water

Management and Minister of Economy.

Co: Government plenipotentiary for the

construction and operation of the Gabčíkovo-Nagymaros

Project

(Translation)

RESOLUTION

of the Government of the Czech & Slovak Federal Republic July 25, 1991, No. 484

On the Report of the results from negotiations of Government delegations of the Czech and Slovak Federal Republic and the Republic of Hungary and proposal for further procedure construction of the Gabčíkovo-Nagymaros Project.

The Government

A. Agrees

- 1. With the action of the government delegation of the Czech and Slovak Federal Republic during the negotiations with the Hungarian side concerning the problems of construction and operation of the Gabčíkovo-Nagymaros Project.
- 2. With investment and supply preparation of putting the Gabčíkovo Project into operation by the Provisional solution on the territory of the Czech and Slovak Federal Republic.

B. <u>Imposes</u>

- Upon the Minister of Finance to settle with the Minister of Finance of the Slovak Republic and the financial questions of the construction and putting the Gabčíkovo Project into operation by the provisional solution.
- 2. Upon the Head of the Government delegation of the Czech and Slovak Federal Republic:
 - to continue the negotiations with the Hungarian Government delegation according to the directive mentioned in the Resolution of the Czechoslovak Government No. 383/1991

- b) to inform the members of the Danube Commission about the proposal for further progress in solving the problems of the Gabčíkovo-Nagymaros Project with regard to maintaining the conditions for navigation and to seek their views
- c) to submit to the Government of the Czech and Slovak Federal Republic the report about the measures for putting the Gabčíkovo Project into operation by the provisional solution
- d) to inform the Government of the Hungarian Republic by July 31, 1991 about the position of the Czech and Slovak Federal Republic that it insists on the original technical solution in accordance with the joint contractual plan in force for the Gabčíkovo-Nagymaros Project.

For action by: Prime Minister of the Slovak Republic, J. Čarnogurský, the (Head of the Czechoslovak delegation, and Minister of Finance).

LETTER FROM THE SLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Bratislava, July 30, 1991

Dear Prime Minister,

Both our countries are now living in a period of transition from totalitarianism to democratic systems. Hungary and Czecho-Slovakia are restoring their international relations on new foundations. We are striving to preserve and develop good relations in particular with our neighbouring states. It is for this reason that I regret even more that we cannot agree on several issues. One of the points at issue in the relations between Czecho-Slovakia and Hungary is the problem of the Gabčíkovo system of locks.

Let me use this opportunity to inform you of the decision of the Government of the Slovak Republic and the Government of the Czech and Slovak Federal Republic to continue work so as to put the Gabčíkovo system of locks into operation on the basis of a provisional solution on the territory of the Czech and Slovak Federal Republic. Both governments made this decision after a thorough evaluation and are convinced that the alternative of not completing of the system of locks is the least acceptable also from an ecological point of view.

From the very beginning of the construction, our side just as the Hungarian one, has been paying great attention to examining and studying ecological risks. We intend to continue these studies also in the future and will inform the Hungarian side of their results.

Dear Mr Prime Minister, I admit that the decision of our governments will be a bit exasperating for Hungary. However, I

Honourable József Antall
Prime Minister
of the Republic of Hungary
Budapest

think that the Gabčíkovo system of locks should be considered a partial problem over which our countries are divided but not a problem which should seriously affect Slovak - Hungarian relations. An escalation of tension would not be beneficial for either country. I believe that differences in views on one question will not harm our friendly relations. I would like to assure you that the Government of the Slovak Republic is interested in the best possible cooperation with the Government of the Republic of Hungary.

Dear Prime Minister, I like to recall our meetings in the past and would be extremely glad if the dispute around Gabčíkovo does not impair the good personal relationship we have had so far.

Respectfully, (Signed) Ján Čarnogurský

(Translation by Hungary)

Hungarian Note Verbale of 30 July 1991

ORAL MEMORANDUM

The Foreign Ministry of the Hungarian Republic presents its compliments to the Embassy of the Czech and Slovak Federal Republic and is fortunate to be able to request that the Embassy inform the Government of the Czech and Slovak Federal Republic of the following position of the Government of the Hungarian Republic.

It continues to be the intention of the Government of the Hungarian Republic to continue negotiations between the States regarding the fate of the Gabcikovo-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 Hungarian Republic determines that on 27 July, 1991, the filling of the Gabcikovo-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.

Embassy of the Czech and Slovak Federal Republic Budapest

The Commissioner of the Government of Hungary did not accede to the Czech and Slovak actions announced at the meeting of Governmental Commissioners held on 10 July, 1991 to discuss the questions regarding the Gabcikovo-Nagymaros Barrage System.

The Plenipotentiary of the Government of the Republic of Hungary expressed his worries 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. Jozsef 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 July 27, 1991 also emphasized 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 Hungarian Republic, 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 Pozsony (Bratislava).

The Government of the Hungarian Republic strongly requests the Government of the Czech and Slovak Federal Republic that the work underway on the Gabcikovo-Nagymaros Barrage System be halted and that further unilateral steps, which are in conflict with the interests of both States, be avoided.

The Foreign Ministry of the Hungarian Republic avails itself of this opportunity to renew its highest regards to the Embassy of the Czech and Slovak Federal Republic.

Budapest, 30 July, 1991.

(Translation by Hungary)

Letter of 12 August 1991 from the Hungarian Prime Minister to the Prime Minister of the Czechoslovak Federal Republic 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 and the Interstate Negotiations about the Gabcikovo-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 Gabcikovo Barrage on the territory of CSFR with the aim of putting it into operation.

The agreement arrived et 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 emphasize that the Interstate Treaty of 1977 on the Gabcikovo 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 endeavor 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,

Jozsef Antall

CZECHOSLOVAK NOTE VERBALE OF 27 AUGUST 1991 (Translation)

No. 106.427/91-MPO

The Federal Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to the Embassy of the Republic of Hungary and referring to the note of the Ministry of Foreign Affairs of the Republic of Hungary No. 420/1991 of July 30, 1991 has the honour to advise, on behalf of the Government of the Czech and Slovak Federal Republic, of the following position:

The Government of the Czech and Slovak Federal Republic appreciates the efforts of the Hungarian Government to continue talks on the further fate of the Gabčíkovo-Nagymaros System of Locks. However, at two meetings of government delegations held on April 22, 1991 and July 15, 1991, at which the Hungarian side had only a limited mandate, the two sides failed to reach constructive conclusions. For this reason the Government of the Czech and Slovak Federal Republic, guided by the efforts to minimize damage caused by the unilateral course of the Hungarian side, approved investments and supplies within the preparations for putting into operation the Gabčíkovo system of locks on the basis of a provisional solution on the territory of the Czech and Slovak Federal Republic.

The Government of the Czech and Slovak Federal Republic is of the opinion that such decision does not preclude the continuation of talks. Provided the Hungarian side submits a concrete technical solution aimed at putting into operation the Gabčíkovo system of locks and a solution of the system of locks based on the 1977 Treaty in force and the treaty documents related to it, the Czechoslovak side is prepared to implement the mutually agreed solution.

Embassy of the Republic of Hungary Prague

The Czechoslovak side does not consider the filling of the step in headwater canal a unilateral contravention international law since by doing so it only realizes a technological measure to preserve the substance of the structure of the headwater canal which could not be realized exactly as provided for in the Contractual Plan for reasons of unilateral suspension of work by the Hungarian side. In accordance with the timetable of work, the filling of the headwater canal should have started already in December 1989. Delays in this respect are causing harm to the structure of the headwater canal. Its filling thus prevents the occurrence of further damage. The Hungarian side was informed of the implementation of this measure at the meeting of plenipotentiaries of the two governments held on July 10, 1991.

The Federal Ministry of Foreign Affairs further regrets to state that the Government of the Czech and Slovak Federal Republic cannot agree to the request of the Government of the Republic of Hungary for halting work on the Gabčíkovo-Nagymaros system of locks. In no way does the Government of the Czech and Slovak Federal Republic regard the continuation of work aimed at putting the Gabčíkovo system of locks into operation as an act of violation of international law.

The Government of the Czech and Slovak Federal Republic believes that the question of the Gabčíkovo-Nagymaros system of locks will not harm mutual relations and that in settling the issue both Governments will act in accordance with European standards.

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, August 27, 1991

(Translation)

09 - 11 - 91

Speach of Minister-Chairman for the Federal Committee for Environment Mr.J. Vavroušek in the Hungarian Parliament

Dear Mr. vice-chairman of the Hungarian Parliament, Dear chairmen of the key committees of this Parliament, Dear deputies, ladies and gentlemen, dear guests.

I would like to make it sure that this is a big personal honour for me that my plea to address you on the soil of this historic Hungarian Parliament was accepted. I am fully aware of the fact that there is no precedence for such an event and that official visitors only perform with speeches at Parliaments and seldom. My mission here is rather working, but I am aware of the fact that the situation is so serious, at least according to the opinion of the government and of mine, that it is necessary to take unusual measures. I am pleased that the relations between our countries are very good, in principle, but we all know, that there is a major unsettled problem, that makes the relations complicated and that could influence, if it is not solved urgently in a negative way not only the atmosphere of our mutual relations, but also the atmosphere all over the central Europe. And we know, that in this stage, when the whole central and eastern Europe face the menace of chaos, that is probably inevitable consequence of the disintegration of totalitarian regimes and at the same time an aftermath of the transition of the so called scientifically planned central economy to the social, ecology, market - oriented economy first of all, and that int his period, when we have to overcome many problems, we have, I think, do our best to solve in the most effective way the problem related to the Danube waterworks. Let me introduce myself, first, in a brief way. For long I have been working in ecological organizations, first of all in the Slovak union of the nature and landscape protection in spite of the fact that I am Czech born in Prague. At the same time I could work for some dissident organizations and for it was a great honour to be one of the founding members of the civil forum, that, in course of our changes played certain role as to the initiation and performance of the changes. The role was not insignificant. In this sense I feel double personal co-responsibility for the Danube problem solution. I feel, that the first co-responsibility results from the fact, that I, as a dissident, repeatedly criticized in a public way the whole project and, in keeping with Slovak environmentalists and, naturally Hungarian ecologists, pointed out the negative aspects of the project. Many of you have got at disposal translation of my old texts and can check me comparing my present standpoint to the older, dissident's, one. I hope that it has not changed principally due to the present position of mine and I don't suffer from any professional disease. Actually, there is no doubt, that this position is not a life-position. From the point of view of time it is a short episode. From the point of view of responsibility, it is not a short episode. /Guess/ bear a part of the responsibility for this problem solution, I have helped, together with you, to formulate and that must be settled now. I guess, that the situation is easier, viewed from certain viewing point, when you can criticize. Much more difficult is the situation, when you are responsible for the problem solution. So the first source of my feeling of co-responsibility results from my previous attitudes. The second one is the present function of mine and with regard to the fact that, as Mr. Speaker said in the introductory speech, it is a problem reaching far away beyond the framework of Danube, inspite it is very important on it's own, but it, in a way, crosses ecological borders, it touches the relation of both our countries, actually, and this whole part of Europe. I am happy I can be here. First of all due to the fact that I am convinced. that the present dead-lock situation in which the discussion and official negotiation on the G-N. Waterworks got, results from insufficient information relation, insufficient contact between citizens of both our countries and members of our parliaments and /apparently/ not enough intensive ties between executive organs of both countries.. I am afraid, that on both sides there are certain myths, certain expectations, that make the situation more complicated. I will try, in my short speech and in the course of the discussion, to answer our questions and to make clear some of the myths and I would appreciate, if you could point out the myths on our side, probably existing, that, may be, impossible for us to understand the standpoint of the Hungarian public, Hungarian representatives or to shift the standpoint somehow. I fully agree with Mr. Speaker, that a frank discussion, open exchange of opinion, transparency of the options for the

broadest public, that is a principal feature of each democratic system and in this sense, that we move ahead. Let me explain why I think that the situation is unbearable. I am personally convinced about this, not only because I was empowered by the CS government. In Czechoslovakia, as you know, governmental commission was founded, it is responsible for the solution, for the proposal on the solution of the G-N problem. It is a commission, that, in keeping with the international law, was established on the level of the federal government, e.g. a federal commission, since the Danube is an international river, therefore there is the only way - only sovereign states must be representatives and partners. I was appointed a member of this commission, the chairman of which is, as you probably know, the prime-minister of the Slovak government, Mr. Nevertheless, he is in this position not with regard to the fact, that he is the prime minister of the Slovak government, but due to the fact, that he was appointed by the federal government. The federal commission and the federal government, but also the Slovak government, but, naturally, ecological organizations and public follows permanently this problem and came conclusion, in this sense, I think, unanimously, since I don't know anyone, who would be satisfied by the present situation, anyone, literally, the present situation is unbearable. In the course of recent months, actually years, a passive solution was chosen-two incompatible standpoints faced each other. On one hand to stop all works, perhaps to reclaim completely the whole area without technical knowledge how to do it practically. On the other hand a standpoint demanding to respect completely the original wording of the still valid treaty. As the matter of the fact, it was a conversation of deaf men, if I can use this expression. There was no chance to find a common, for both acceptable solution. From the Hungarian side, the right side of the Danube, the situation looks a little bit different than from our side of the Danube. I will try to summarize some reasons, why we should seek a solution leading from a dead-lock. It is my personal opinion, too. First and principal reason leading to such a standpoint are reasons ecological. As you probably know, 90, perhaps 95%, it can be a matter of a discussion, of all damage caused in the course of construction of particularly the water

work Gabčíkovo, is located on the territory of the CSFR, more exactly on the territory of Slovakia. 40 square kilometres of land is completely destroyed, covered with asphalt and concrete, a part of it has changed into a water canal. Another dozens of the most fertile land of the CSFR were changed in a very principal way and basic ecological relations were broken. Any prolongation of such a situation is not acceptable for this reason. There is actually, a hot concrete desert, that exerts a negative influence upon the area microclimate, but, above all, it afflicts negatively the underground water reserve.

other reason, why the present situation unacceptable, ecological reason results from the fact, that as a consequence of construction of roughly 20 waterworks on the Austrian and German sections of the Danube and probably as a consequence of inadequate mining of gravel by both our and Hungarian organizations in this area the riverbed of Danube declines into the gravel bed and due to this the level of groundwater declines in the whole area behind Bratislava in the section approximately 50 km long. Due to this, ecosystems die in the area, naturally, particularly trees. I am afraid that any prolongation of the present state will inevitably result serious ecological damage in a short time. Therefore I am convinced, that the first reasons why we have to find a positive, active solution, are ecological reasons. Of course, there are many other reasons. We all know what is the economic situation of our countries. I would like to stress, that our country at present enters a recession stage. It is unfortunately proved by many statistical data. This is probably an inevitable consequence of the transition from the central planning to the market hand makes the other it space On the manoeuvrability. There are social and psychological reasons. You know, that on the territory of Czechoslovakia, particularly in the South Slovakia, the problem of G-N, first of all the problem of Gabčíkovo is a very topical matter of argument, undesirable like violent there, oppression appeared demonstrations. In this sense it represents an explosive that may let blow up interim social tension. I think, that international-political aspect is very important. Therefore I esteem that particularly the members of the international

committee are taking part. In spite of the fact, that I am not an expert in this sphere, I am afraid, that possible postponement of the solution of this problem or prospective of further existence of principal discrepancies is a fertile soil for various extremist opinions and possible conflicts, both verbal and real, physical. I would be pleased if I was mistaken. So, therefore I believe that there are many reasons for the solution of this problem. Actually, there are two possible solutions only. The first one are unilateral acts both on our and Hungarian side. I think that any unilateral step results in another deepening of the problem, postponement of their solution. The problems are considerably serious today, they have grown up to enormous size and it would be very difficult to settle them in future. Neither me, nor the government, I should say it vice-versa, regard a unilateral measure as a practicable way. With regard to this, one real strategy remains. To base the solution on a pragmatic evaluation of the situation, to take into account the fact, that here we have a certain heritage of the totalitarian regimes, that we cannot return the course of time, that we cannot come back to 1970 or 1975, when the decision was made, when the project was being prepared and the decision about realization was taken. We are in the present situation, on September 11, 1991, we have to take into consideration pragmatically all facts, including the fact, that the treaty, signed by the communist governments in 1977, is still in force and at the same time to take into account the present state, the environment damage that already occurred and the extent of construction both in the Gabčíkovo and Nagymaros area. With regard to this we have to find the minimal evil, the solution, that prefers the best among bad ways. There is no doubt that if we could turn the course of the time, we would never approve the original project. Therefore I recommend to contemplate such a pragmatic possibility, first of all to take into account the fact, that treaty, in spite that we can have various objections, and we surely have them, in spite that it is not impracticable since many terms have already expired and therefore it is impossible to carry it out respecting the original wording.

There are many reasons to change, modify the treaty. But, at the same time, it is not acceptable to cancel the treaty, here

I express the official position of the government, and negotiate think it would result in a Т certain discontinuity, legal vacuum, that is dangerous for both parties. I believe, there is the only practicable way, a traditional one, that is being used not only in case of international treaties, but also when new acts are adopted. It simply means to prepare a new treaty and to incorporate into the last paragraph provisions that would cancel obsolete parts of the 1977 treaty. I recommend to take into account the reality, since I am afraid that the Hungarian public and deputies are not aware of it. I regard it as my fault, too. Please, do not perceive this as a criticism. I don't doubt that the Hungarian position is based on the internal conviction that suspension of all works is the best possible solution from the ecological point of view. I will try to prove, that this is not like this, that this is one of the myths, that makes the understanding of our attitude complicated. It is not simply true, unfortunately, that to forget a problem means to settle it. It is not possible, it is not ecologically acceptable. With regard to this I recommend to respect the reality in a pragmatic way and to find a way how to overcome the dead-point. The Hungarian parliament and all the deputies are key-persons, because the standpoint of the Hungarian governmental delegation was conditioned practically by a unanimous decision of the Hungarian parliament, e.g. of you and, if I am not mistaken, 98% of deputies voted in favour of the decision to stop all works. In this sense, any government, particularly a government elected in a democratic way, cannot afford to ignore the decision of the deputies not only because it would be an immediate political suicide, but also since it is not in keeping with the basic principles of the democratic government.

I think that we should divide the whole matter in two separate problems, that are on one hand mutually dependent, but there is a certain priority, nevertheless. I believe, that we should reach an agreement as to a method, that could lead to a solution, mutually acceptable variant of a solution of this situation. As late as in the second period I regard as possible to discuss which of the variants is the least bad. I am afraid that if we change the order of the talks and start to discuss on advantages and disadvantages of separate variants, we would not

be able to draw a conclusion. The problems are to complex, we have got few data at our disposal, unfortunately. So, if you accept the division of the problem in two separate problems, I would offer a method resulting from the Helsinki convention signed by the Hungarian government in February, this year, and same year. This in August, the our government convention, sometimes called the Convention from Espé envisages, that all projects, that could afflict the quality of the in the neighbouring country will be discussed environment commonly.

Both our governments disclaimed a part of their sovereignty handing over a part of the sovereignty concerning the right to decide about the projects influencing the environment to the Hungarian government and Hungarian representatives, and viceversa, the Hungarian government handed over a part of the hands of our responsible organs, government and parliament. In this sense, it is a principal step towards integration of Europe and toward a behaviour containing no acts, that could unilaterally damage the environment quality in other countries. I hope we'll have the working of convention in order to be able to judge it in detail. I don't think, that it would be necessary to take positions just now we could base our talks on this convention. I have to point out one fact - the convention is applicable completely in case of new projects merely. Unfortunately, the G-N project is an old, obsolete one, I would say. But I believe that our parliaments can take advantage of this internationally acknowledged convention, signed by 28 European countries and to base further acts on it. The convention determines in detail methods how to step ahead. I don't want to repeat main principles of this method, I would like to point out some main facts. The method of ESPE, e.g. the evaluation of environment, envisages, that all variants of solution will be taken into account, when some problem is being solved. Each of engaged parties can suggest the variants. None of variants is excluded, no one can reject discussion about any of the variants. It means that any possible way of solution can be judged. Secondly, all variants proposed by any of the parties will be evaluated according to the same set of criteria. The set of criteria must be able to reflect all short and long-time consequences and circumstances of the variants. All significant factors must be taken into account. In this case we understand it as, first of all, ecological factors, as we have repeatedly stressed, there are no discrepancies between us in this sense. It is related to criteria, that are also very important and concern complementation of huge groundwater reservoir in the whole area since this is a natural source which cannot be substituted by anything else. As late as after decades we'll be able to evaluate it due to drinking water lack. In any case we cannot admit any kind of threat to endanger the groundwater reservoir. That would be a crime and no economic benefit could compensate it. Safety factors related to flood protection are the third group. I have in mind the natural flood that does not depend on us and, as well, flood as an aftermath of technical fault, for example a damage of dam. We have to take into consideration, that the work is being built in the most active area of the CSFR from the seismological point of view. As we know in Komárno there is, as the matter of the fact the earthquake epicentre. Therefore we have to take into consideration all security characteristics of works, first of all dams, their quality must be checked in order to avoid a danger to which the whole area population would be exposed due to a defect 10-15 years old. In the security sphere another criterium is principal. Because of pragmatic reasons we have to have in mind another criteria - especially navigation. We know, that shipping is a since some interference into environment certain evil necessary, but if compared to road or rail-way transport, it is a lesser evil. If we have to make a choice, we have to chose the least bad evil. We have to respect energetic aspects, too, the situation in this sphere in the CSFR and particularly in Slovakia is complicated. I guess that also the situation in Hungary is not ideal.

If we, on one hand, state, and there is no doubt on both sides, that the perspective for us are alternative sources of energy, we have to admit, that the most acceptable one are just hydrowater plants. Therefore we cannot ignore the huge energetic potential of the Danube. First of all in Slovakia, but also in Hungary, there is not other source, that could be utilized. I stress, that not only my personal opinion but also the stance of

the federal government and the federal commission headed by Mr. envisage maximal utilization Čarnogurský does not potential as scheduled according to the philosophy of original project, that is, as the matter of the fact, perfect in this sense because it should make possible to absorb all the river's energy. According to our understanding we should generate optimal quantity of power without producing negative impact on ecology, that would not be acceptable. At the same time, we will have to take into consideration economic aspects, too. situation does not allow us to ignore financial aspects. With regard to this, a practical way is to judge all alternatives proposed by one of the parties or independent organization, like some environmental one or proposed by some foreign institution. tender for the organize а best solution, internationally based on the principle, that every reasonable variant must be taken into account and the original project must go through the tender, at least to be compared to the other ones, as well as so called zero variant submitted by the Danube circle (Dunakör), first of all, headed by Mr. Varga. I think that all the variants, all extremes must be taken into consideration. We can surely imagine the variants between these two extremes. I don't think we have time enough now to discuss technical details. The third point of the method, the evaluation of the impact on environment. is the creation of a common CS commission, that could consist of experts appointed by the governments, representatives of parliaments and, I consider that as quite principal, delegates of the population of the area afflicted by the waterwork, it means population on both sides of the Danube, who must get completely equal approach to information including details and a chance to take part in the process of evaluation of the variants. The commission would be entitled to give recommendations only, it could suggest one or another variant and judge their positive and negative consequences. It would not have the power to make decisions, since such a power belongs doubtlessly to the executive organs of both countries as well as their parliaments. If I am speaking now about the CSFR, I mean not only the Federal assembly as the federal parliament, but also, first of all, the Slovak National Council, that actually represents the concern of citizens, immediately of those who live there. In my opinion, it is not excluded to examine the possibility to establish an independent expert commission, who would play a role of certain human computers, they could, by no means, play role of judges or arbiters. They would be able urgently answer concrete technical, ecological and other problems due to their experience gained in other countries. I believe that prospective establishment of such an auxiliary working group or team could essentially accelerate the entire process of variant evaluation and, on the other hand, improve the quality of the process. The whole

... elaborated on a comparable level, which means that it is not possible to judge variants, that are not completely clear and concrete. In this sense, we are ready to support development of any project, any variant, including the zero solution because, and it is my personal stance, I am convinced that if we are not able to look at the problem as objectively as possible regardless all political aspirations, passions or emotions, we won't have a chance to reach some result. Let me pronounce at the end one more short idea. Mr. speaker has mentioned, as well as Mr. chairman of the parliament, to whom I had the honour to speak before this session, that the whole work is, sui generis, a heritage of the totalitarian regime. I think that we all agree to this. However I am afraid that inside, in each of us, there is some other undesirable heritage of that regime. I personally consider very negative the inherited way of black-white view of the world, dogmatic approach making us to make difference only between good and evil, one truth or another, the standpoints were absolute. I am afraid that this is a very difficult heritage that pursues us every day and it will last long time till we manage to get rid of it. But I think that we should be aware of this threat and that we should do our best to exclude the possibility, that the heritage of a black-white view of the world reflects in the solution of the problem we are discussing today.

Let me thank you for the patience you have proved listening to me. Now I am ready to answer any question of yours that belongs to the sphere of my power and I'll be able to answer. Thank you.

ISTVÁN SZUCS

I would ask Mr. minister a technical question. From our foreign partners we've got an unofficial information, that the Slovak republic prepares extension of the project of construction of nuclear power plants. I mean the construction of new nuclear plants. The difference, as to the quantity of energy generated from both sources, is enormous. I would like to know, why the Slovak republic, if it plans to construct nuclear plants, regards as necessary to generate the small quantity of energy at Gabčíkovo.

Thank you for the question in spite of the fact that I don't think that it is immediately related to our theme, since the problem of the solution of the water work system G-N is not directly connected with the energetic situation. By no means. It is one of many aspects, we would be hypocritical if we regarded that aspect as the most significant for our talks. But as to your question - I don't think that the Slovak government at present examines the construction of new power plants, for, as you know, it faces serious troubles with not only plants in operation, that are unfortunatelly obsolete, but also with final stage of construction of the power plant in Mochovce and in the South Bohemia, in Temelín, and therfore I don't believe, that someone could connect somehow the new nuclear plants with the waterworks on the Danube.

Question: Dear Mr. minister, I am pleased by the way you have explained the problem - it was very pragmatic and, on the other hand, your explanation was not overburdened by excessive details. You have submitted a proposal we can support, I believe. We have said, that it was necessary to talk about a method how to get closer to the solution of the problem. The variant you have suggested were sympathetic, to considerable extent they were identic with what we consider acceptable. I am of the opinion that such an approach will lead to a mutually acceptable solution. I wanted only to express that I am glad for there is a new phenomenon in our talks - first, the parliament is engaged in the solution of the problem, concretly parliamentary committees and, secondly, from the point of view of mutually acceptable solution.

Thank you for positive evaluation of the proposal. I would appreciate, if you, as a session of three key committees, could identify yourself with this proposal and, possibly, to recommend it to the plenary session of the parliament, since I think that it could really be a principal step towards a solution.

Question, GYULA HORN:

Dear Mr. minister, I thank you, and think that I can say it also on behalf of the committee, for your exposé. I would like to ask 2 questions. The first one - in what sense will our partner - the Federal assembley - act in the case of this problem? The same question I would ask in connection with the parliament of the Slovak republic. Secondly - from the governmental talks, we have learned that there are major differences between our positions and we have an impression as if the CS party had not yet elaborated a study on long-term ecological impacts of the water-work. That was the impression we've got in the course of talks. There is merely a short - time study, if I am informed carrectly. If so, it is very difficult to negotiate, if the other party has not at disposal such a study. Please, don't regard that as some accusation. I dare to ask this question due to your very interesting exposé.

Let me start with the second question. I agree with you a consequence of the black-white dogmatic approach, unfortunately typical for both our countries, was the fact, that only the original project was developed and later on, the socalled variant C, as you surely know. It envisages a solution on the CS territory only. There are no other variants prepared. In this sense, we bear a part of guilt, but I think, that the Hungarian party did not use the opportunity to develop work on other variants. With regard to this, it is a common challenge for both our countries and we should do our best to overcome it, I mean that we should propose and develop other variants, simply in order to be able to compare them. As I said at the beginning, we would support also the zero variant, in spite of the fact, that I personally do not consider it the least evil. Such a solution is, according to my opinion, a kind of safety valve, that could be used in case we come to the conslusion that all other variants are not practicable or if we found out that the

impact upon environment is more serious than we believed if some of the variants of realization of the water work Gabčíkovo was carried out. But I will do my best to support elaboration of all variants, as well as the federal governmennt submitted. I think that the Hungarian party has a certain doubt in this field. As to the second question, I have got relatively close contacts to the Federal Assembley and I can state, in spite of the fact that I am not entitled in an official way, that enormous attention is payed to this problem in the parliament. Our parliament expects impatiently the results of the talks of the CS and Hungarian governmental delegation, as well as surely the Hungarian More often Ι have to answer the interpelations and sometimes also of all deputy clubs. They demand a clear stand, how to continue to solve this problem, they ask. I can assure you that the deputies, regardless of their political orientation, regard this situation as completely unbearable. I think, that Dr. Huba, the chairman of the Slovak union of the nature and landscape protection and, as you probably know, for long years an opponent of the original project, could give a qualified description of the situation in the Slovak National Council. He is also the chairman of the environmental committee of the Slovak National Council.

Mikuláš Huba

Dear Mr. Speaker, ladies and gentlemen. Thank you for the chance to speak here. As far as the Slovak National Council is concerned, untill recent time the parliament ignored the problem and was not willing to discuss this problem on the parliamentary soil.

Rather the government than an executive organ was supposed to be more active in this matter. That situation started to change and I am not competent enough to say owing to which influences, but I believe that one of the most significant influences were actions of citizens, citizen initiatives and environmental organizations in the Žitný ostrov (Wheat Island), in the area of Gabčíkovo and Šamorín, as you know. This way the problem of Gabčíkovo became an item of the agenda of the Slovak National Council in the second half of August, this year, and the parliament adopted a brief resolution challenging to avoid

escalation of tension in this area and to solve problems first of all on the expert basis and later on the political one. Secondly, our environment committee was ordered to check, if I can say so, the government at the realization of any measure related to the water work Gabčíkovo. It means to check to what extent the principles set by the Slovak environmental commission are respected. The commission is actually the Ministry of environment of the Slovak republic, that determined 19 criteria for the continuation of further construction works in Gabčíkovo. Our committee should also judge if the recommedations of commissions are independent expert respected. The commissions worked in two steps initiatied by the Slovak government in the last year and at the beginning of this year, as you probably know. That is what I wanted to say to the last decisions of our presidium. Our committe was practically the only one, that initiated the discussion on this problem on the soil of the parliament. Several times we invited competent members of the government and representatives of the expert commissions to the sessions of our committee and thank to this, the members of our committe are familiar with the matter. Before that only I was engaged in the problem and therefore the knowledge level is not high, we should not have illusions. As I remember, the problem of the future of Gabčíkovo was mentioned at the talks on the state budget, it was indirect but very important this year when the parliamentary club of the green party suggested to change the budget in the sense to transfer the investment for the water work construction, described as eological investment to other budget chapters, for example to the area of water protection, air protection, health care and so on. It was a paradox and it was not approved.

Pinter:

Dear Mr. minister, your exposé convinced me about the fact that you are a well prepared expert and that you know about the problem of the water work. In this connection, I would like to ask you, what you mentioned when you said that the treaty should be modified, that we needed new projects. Preparing the new projects it will be necessary to take into account the state of the environment. What is your estimate concerning the time

necessary for the preparation of the projects ?

Thank you for a positive evaluation. I think that the length of the preparation of the projects depends on the attention payed to this problem. I am convinced, that in our country as well as in Hungary there are many people who have been engaged in this matter for decades, they are ready to start. It will be important to integrate them, define objectives and support them not only as to finance, but also by information and material. At the same depends on how much we will manage to international expert public to this problem. We can do it by means of a tender. Any group of foreign experts could take part in that tender. We could also ask commonly the EC to appoint a group of experts who would play the role of human computers, as I have mentioned. I believe, that the preparation period should be not longer than 6 months. It is, naturally, concern of both parties to shorten it as much as possible but not to endanger the quality, since the time works against us. I am convinced that at works not only against us, but also against the Hungarian Republic. Any postponement of the solution will situation worse. I am optimist, I know that the Danube circle experts are ready, they know the situation in detail, in the state institutions there are milions of data necessary for the evaluation. What we need now is good will and to overcome the atmosphere of mutual mistrust, that exists between the parties. I dare to say that the only fact that we have given name to the mistrust, that we have pointed it out, is a premise of solution of the problem.

SZABÓ IVÁN:

Dear Mr. minister, members of the committee. I would divide the consideration about the further measures in two parts. First-what are the present objectives and which of them we can realize. A condition of it is inevitable evaluation of all possible variants on a scientific basis and all points of view. Since none of us is able to be familiar with any of the variants, the first step should be a scientific research, that would judge all variants in detail and that would be a basis for further complex economic and ecological research. I have been working for 27 years in the branch of the Hungarian civil engeneering and I know

the building industry in the neighbouring countries. Therefore I mean, that any alternative envisaging utilization of the present objects should be completed by a research concerning the state and professional level of performed works of the objects. It is possible that we will have perfect ecological studies but we will find out that there is a hole in the bottom of the dam and due to it all we have invented is not valid anymore. This way we can cause much worse ecological disastre in a short-time Another objective of further research should be, together with all short and long-term ecological and economic consequences, real state in detail, since we all know what the socialist industry used to produce in a non profit and non commercial situation. Another step, after all these material are prepared and submitted, must be initiation of political talks between parliaments. Talks that would dissolve the atmosphere of mistrust and misunderstanding. But this is not he level on which it would be possible to solve scientific problems for in spite of the fact that the members of parliament are experts in certain fields, the parliament is actually a legislative body and not a forum for scientific research. Both these processes must go paralelly, it means a scientific research, that will submit to the parliaments materials as a basis for decisions. But it will be necessary to set up preliminary also other contacts to eliminate political disproportions. We can say today, that we consider this exchange of opinions very useful, because it helps us to build confidence and we have to state in a clear way, that the positions for the talks must not be rigid and black-white, that would results into a clash. The real talks must start now. All the three committees naturally are not and cannot be entitled to make decisions on behalf of the parliament modifying any previous decison of the parliament. It cannot also annul or reevaluate it. But we suggest proposals concerning the way of negotiations to the Hungarian parliament, the need to get in with the Slovak parliament or the CS parliament authorities, as well as proposals on possible alternatives of scientific way of research of the real state. In this area we can step forward in order to make our willingness clear. Now, we will make steps towards our own parliament on the basis of it, we will evaluate what has been said here and as to the further procedure,

we can identify ourselves with this idea.

Vavroušek:

Of course I am aware of the fact, that the committees, in spite of their key role in this matter, cannot substitute the decision of the parliament and the whole plenary session, but I think, that you, if you regard it as useful or purposeful, could recommend to the plenary session of the parliament that or another solution or procedure.

Secondly, I agree with the fact, that the problem is above all an expert matter and that the deputies task is not to study the level of groundwater or some technical details, but I think that it would purposeful if they could participate in the common commission. Their role could be very important because of two reasons - first because they could judge from their political positions the aspects of the water work of any of proposed variants, which can't be quantified or measured or expressed in time unit or money, but which could be very important. In this sense is the political judgement of deputies irreplaceable. But I think that there is another role, the role of a feedback, that is important for elimination of mistrust between members of parliament and executive organs. I am not informed about the situation in Hungary, but I know relatively well the situation in our country. In spite of the fact that the buildings of the federal government and the federal parliament are approximately 2 km each from other, information errors arise as well as suspicion of bad intentions. I don't dare to judge the situation in your country, but it is not excluded that it is similar. Third-let me agree with the quality of the socialist building industry, that is pesimistic and negative. I guess that our experience is identic with the yours. On the other hand I think, I don't regard myself as an expert, that there are diagnostic methods able to determine the route of dams relatively exactly. As I have said at the beginning, both the federal and, of course, the Slovak government would never approve to put the work into operation, any variant, if it could be dangerous for the area population, because, as you probably know, the level of the Danube water in the artificial canal would be 18 m over the surface of the ground. There is no doubt about how dangerous it

potentially is. Such a possible threat can be compared to power plant disastres. If there was some justified suspicion that something is wrong, everything would be clear. This is a criteriam of a veto character.

If the quality of works would not pass thorugh this criteria, all variants based on the utilization of the present buildings would be canceled, if there was no chance to repair them in a simple way. What I am saying now is my private citizen's opinion that must not be mixed with the official viewpoints, because I am not authorised to give here official positions towards variants. I think it is possible to consider seriously the variants, that would enable the utilization of the water work Gabčíkovo and the buildings there if we principially change the philosophy of the whole approach and operation of the water work. It is possible and necessary to put emphasis on ecological aspects and aspects of protection and completion

and will be inevitable, in order to respect the first two demands, to produce also certain quantity of power. I would like to stress, that the zero variant, if we want to take into account, must settle also the solution of more and more serious problems related to the present state of the Danube in the section between Bratislava and Palkovičovo, roughly 50 km. I have already mentioned the ecological problems, but there navigation problems, too. There is a problem which I have not described in detail and it is the danger of floods: I personally visited all those places at time when the flood culminated one month ago and I can say sincerely that the situation was in the limits of tolerability and really it is a luck that no big natural catastrophe occured. Such situation is not accepted nowadays from the point of view of safety. There must be done some technical solution. We want to respect the need to protect the life, it is necessary from the humanistic point of view and I would consider it as unlucky, if we stand against humanism, humanistic orientation and ecology. And if these two tendencies should be opposed I would consider it for a misunderstanding. The aim is to coordinate two different criteria which are often opposed in realiy but cannot be opposed in philosophy. It means to create an acceptable environment for a man and to protect the wealth of nature. These things are often opposed in reality, but we must find a way how to bring them into harmony. I excuse myslef that I have answered your question perhaps too long but there is too many problems included in this question and I think it is important to clear them in some way.

HORN GYULA:

He wants to precise if the Federal Government of ČSFR is prepared to modify the mandate of the Czechoslovak governmental delegation for negotiations.

Vavroušek:

I excuse myself that I have not mentioned it in my opening speech, it is my fault. I came to the conclusion from our last negotiations in June, that the Hungarian delegation has got only the mandate of your parliament to negotiate the only variant, i.e. the variant to stop all works. I believe we have done to certain step ahead after very complex and long talks. delegation prepared a draft directive, I have paraphrased in my exposé. It enabled us to discuss various variants without putting doubt on the valid treaty in order to prevent legal vacuum. The mandate of our delegation is very broad, the whole governmental delegation can manoeuvre enough, if I can use such words, and with regard to this I mean that also the Hungarian party should give free hands to the delegation and create certain space for the talks. Of course I am not authorized to suggest how large the space should be, what limits, but the negotiation has no chance to be successful, if the space for the Hungarian delegation is not extended. Since in the situation, when one delegation, each of the delegations has instruction, according to which it can discuss only one variant, it is a really very strange way of negotiation and I am afraid that such talks would be hardly held. This is a barrier we have to overcome. I am afraid that if the release decison Hungarian parliament does not negotiation space for the Hungarian governmental delegation, I'll be hardly able to make the federal government to send our delegation to the talks at all. Don't understand it as a kind of ultimatum or threat, I don't mean it like this, I state a fact, only. If you monitor the press in our country you know, that the

situation is really very acute and I do not exagerate.

Deputy GYURKO:

It is not necessary to speak about a dead lock, if the very speech of minister Vavroušek is a kind of continuation of the process of solution, I recommend to improve mutual flow of information.

Vavroušek:

Practically and completely I have to agree with what Mr. deputy said. Of course I consider "common language" or mutual understanding a necessary condition we have to improve exchange of information, therefore I appreciate this opportunity. Surely we have to study in detail the ecological principles, we have not used all possibilities that potencially exist. In addition, we should project the principles to concrete criteria, that could be used for evaluation of variants. In order not to stay on a general level and to reflect the present situation of the whole Danube section, I guess, in the speech of yours there are many interesting points, but there is also one thing, to which I should react with a question mark. I agree with you, that prospective realization of variant C would be a unilateral step, I fully agree, but I am afraid, that the suspension of work on the Hungarian side is also an unilateral step. I hope there will be no unilateral steps, but if so, any kind of them, it will be the most safe way how to block any discussion, therefore such a situation is a very powerfull source of energy for all extremists, now I have in mind our country, I don't dare to speak about Hungary. The extremists will be seeking a solution in the sense - if they don't want to reach an agreement, we will do it in our way. I think that such efforts exist on the Hungarian side, too, in spite of the fact that I don't know it exactly. There is the only way how to prevent unpredictable extremist actions. It is the will to find a mutually acceptable solution, but it must be based on a feeling of mutal confidence. I hate to say it, but there is no confidence, at least I don't feel it at the talks. We have to do some thing to launch again the process, to restore the confidence. It will surely depend on personal contacts, trust in personalities on both sides, but it would be probably positive to base it on some written record of our talks or a communiqué, that could be very brief, that would summarize the most essential of what has a character of agreement here between us, but that could enable clear interpretation of our discussions. Since many opinions were pronounced, we should distinguish certain nucleus of what we have accepted from the opinions we have not agreed on, because I don't suppose that you would accept all I have said, because I would be naive. In spite I do my best to be objective as much as possible, my view is burdened by limited extent of information and other life experience. I simply really live 300 km far from the Danube, that's true. You live the whole life on the river - sides, these two situations can be hardly compared. If we succeeded to conclude our talks by certain written text, it could be a substantial step towards the elimination of mistrust, that exists here.

Dornbach Alajost (vice-chairman of the parliament)
Illisible question

Vavroušek:

I fully share the viewpoint, formulated by the vice-chairman in his first speech, or the first part of the speech. I believe that it is really inevitable for the parliament to equip the governments with certain power that should not be probably symetric. It would make the process of decision much easier. I think, that a general framework for such power culd be the mentioned method of environmental assessment, which means evaluation of the impact upon the environment in keeping with the mutually adopted convention. I think it is a method, based on the international consensus we have adopted, on the other hand it is a method suitable and equal for both parties, because it is neutral. The condition of neutrality in the negotiation atmosphere is the basic premise for elimination of mistrust we both can feel.

I think that the government delegations should be authorized or ordered to complete the method with a concrete time-table of works related to assessment, choice of all variants and their judgement. To prevent a possibility, that one of both parties,

or none of interim parties in our or yur country regards this method as a further postponement, protraction of the solution, a trick, manoeuvre, centered on transfer of the problem somewhere else. If the agenda of talks was prepared, as well as the timetable, it would be correct to set up a certain period in the course of which works would be suspended I have in mind the works, that would, in any way, predestine some variant. Such à period would be natural. For technical reasons we should exclude maintenace works, antiflood protection, there is no doubt about this, we mean all works that could somehow determine the solution and that would exclude later changes. But I repeat, that both federal and republic governments can accept this as a part of a complex agreement, not as an isolated solution. I have to say once more and I guess there is no secret, that the extent of mistrust is so high, that if we tried separately to impose suspension of works and later to decide what to do further, such an approach would rather result to further mistrust and somcome could say - you see, we were right, no agreement is possible and therefore we will adopt an unilateral solution. I guess that would be the worst that could happen.

Horn Gyula:

The proposal of Mr. minister on joint communique can not be accepted at the session of three committees session, since the committees don't have a mandate to decide and have been convened to listen to Mr. minister only. It does not mean, that his visit was useless. Anyhow, we are grateful for the expose and the way of explanation. One of the tasks resulting from this session will be to inform the plenary session of the parliament. Another one will be preparation of the own proposal of the three committees for the plenary session and third one - we are ready to start talks with the federal and Slovak parliament about our proposals. At the same time I add, that these talks cannot substitute the governmental talks.

Vavroušek:

Thank you for your position. The proposal on a joint communique was actually an idea only, in a way a maximalist one, I wrote it yesterday on my way to Budapest by car and, may be,

due to beautifull weather I was too optimistic. But I think, that your conclusions are quite correct. Such a long and principal problem cannot be settled in two hours. I am very glad that you have expressed readyness or willingness to discuss concrete proposals on solution. I would like to ask you to divide the two parts of the problem, it means the problem of method, and I guess a method has been suggested, that could be used in the talks in case we are not able to find a better one. I would appreciate if the committees could somehow comment it. I mean if you can recommend it to the parliament, I would be very grateful to you since it would solve a part of the problem and make easier favor of urgent initiative or meeting governmental delegations. I am afraid, if there is not at least a general agreement on the working method of the delegations, we can hardly expect some initiative on the CS side. Excuse my open words, but I think that it is necessary to formulate problems as exact as possible and I may have broken limits of diplomatic I again ask you to excuse me. I hope you could habits and consider a possibility to formulate an active solution in the other area. I mean formulation of prospective alterantives about which you would be ready to discuss. It would not mean an automatical agreement. I mean those alternatives you regard as acceptable, that would be worth of negotiating. In case both parties do this, there will be a certain chance of a breakthrough or a combination of variants. I will ask prime-minister Čalfa and the whole federal government to inform you in an official way about the content of the mandate of the CS governmental delegation in order to play in an honest way. I am not entitled to do it, but in spite of it, I will recommend it to the government. We appreciate if it would be evident that there is a readiness to negotiate, it should result from the proposal of the parliament and government, and from information we have, there is an effort to discuss it.o. I guess that similar situation could be also in the Slovak National Council. I would like to get back to the question I have asked and that is very important. I mean the question, if this gremium, this session regards as an acceptable the solution that results from the Helsinki convention. If we were able to find an agreement concerning this, it would be a great success.

Rott: The ecological committee of the parliament will discuss this proposal this afternoon as well as the whole session. It will be possible to react quickly and exactly to the exposé of Mr. minister.

Pap: He asks minister Vavroušek if he can imagine himself in the situation of the citizens who live on the territory in the vicinity of the water work and if has ever been in a boat on the Danube.

Vavroušek:

I have to admit, that due to the fact that 30 years I have been practicing mountaneering, I payed attention rather to mountain areas worldwide, predominantly in Slovakia. Might be I should have payed more attention to lowlands. It is, of course, my fault, but, nevertheless, I hope I am familiar with the situation. I prefer naturaly if birds continue living in their natural environment and not in an asphalt canal. I have to repeat, that if I could influence the construction of the canal at this moment, I would do my best to stop it. But the canal already exists and it is a fact, unfortunately, we have to take into account and I don't reject any alternative, solution or approach. I repeat very seriusly that we are ready to discuss even the zero variant, inspite I don't regard it as an optimal solution with regard to my personal experience. It could rather be a security valve. But I think that the basic positon concerning the problem, the emotional one and, perhaps, expert one, since they are combined, is identic with the yours. Rott:

Thank to all deputies who take part, personally to minister Vavroušek for an exhausting exposé concerning important problem and also for an original approach to the contact with the Hungarian parliament, that will make easier to find a solution satisfying both parties on the basis of friendly neighbourly relations. I believe that the difficulties connected with Gabčíkovo will not be reflected in other areas of mutual relations.

Vavroušek: Repeatedly thanks for the opportunity to pronounce a speech at the Hungarian parliament.

Annex 98

(Translation)

10 - 01 - 91

Standpoint on hearing of Minister of Environment of the CSFR Mr. J. Vavroušek

Unofficial translation

Standpoint on hearing of minister of environment of the CSFR Jozef Vavroušek

The economic, foreign and environmental committees of the parliament of the Hungarian Republic took part in the hearing concerning the water work Gabčíkovo of the chairman of the Committee for Environment of the Federal Assembly of the CSFR, Mr. Jozef Vavroušek on September 11, 1991 and the standpoint as follows:

They cordially welcomed the visit of Mr. Vavroušek as a new element in the interstate talks on the water work Gabčíkovo-Nagymaros. They stated, that the respective committees of the parliament of the Hungarian R.republic were ready to continue discussion with respective bodies of the parliament of the CSFR. That can't substitute continuing talks between government of both republics.

According to the opinion of the committees the problems of the water work are an expert - scientific matter. Just therefore they insist on systematization of summarization of the results of already performed scientific research and on mutual exchange of research already carried out but still not handed over. At further talks it would be desirable to engage experts form third countries or international organizations without playing a role of arbiters. At the beginning of the scientific-expert cooperation it will be necessary to make clear methodic principles and basic values and meanings as a common language of the cooperation.

time into the same we have take account the international convention on the control of influences with impacts behind border concerning environment as an important factor (Espoo-Finland, 1991). The scientific-expert cooperation has to check the quality, safety elements and expert capability of already finished facilities (construction works). The talks have to serve, first of all, as a way resulting in better knowledge of ecological problems. But we don't exclude new proposals and problems of flood protection, navigation, economic questions, energy and international law.

The academies of science of both countries should be

responsible for organization and administration of the expertscientific cooperation. If the realization works are suspended until the next expert-scientific preparation, or in the course of talks, it would strengthen mutual confidence.

On the basis of the mentioned principles, in the spirit of earlier adopted decisions of the parliament, the committees support the governmental talks.

At Budapest, October 1, 1991

Dr. Mándor Rott

Dr. Iván Szabó

Gyula Horn

chairman of the

chairman of the committee

chairman of the

committee for environment

for economy

committee for foreign rela-

tions

Annex 99

LETTER FROM THE SLOVAK PRIME MINISTER TO THE HUNGARIAN MINISTER WITHOUT PORTFOLIO

(Translation)

Bratislava, December 18, 1991

Dear Minister,

Our countries traditionally strive to develop and strengthen good neighbourly relations. The problems related to the construction of the Gabčíkovo-Nagymaros Project and the implementation of the interstate Treaty between Czecho-Slovakia and Hungary on the construction and operation of the Gabčíkovo-Nagymaros System of Locks of 1977, are to some extent, outside of these constructive and positive relations.

I would like to assure you that our side sincerely wants to resolve these problems in a mutually acceptable manner.

We consider your requests, brought forward by the Hungarian delegation at the negotiations on December 2, 1991 in Budapest, to be an expression of your interest to be acquainted with the positions of the Czecho-Slovak side.

Our government delegation always took into account thoroughly rules of international law. We, therefore, consider the observance of treaty obligations as one of the most important conditions. This observance determines our position on the Danube Project.

Dear Minister, allow me to present to you and confirm once more the position of our side, already presented at the mentioned negotiations in Budapest.

The Czecho-Slovak side considers as usefull the establishment of a joint commission of experts with participation of foreign experts who, at our joint request, will be nominated

Dr. Ferenc M á d l
Minister of the Government
of the Hungarian Republic
B u d a p e s t

by the European Communities. The Czecho-Slovak delegation presented this proposal at the negotiations in Bratislava on July 15, 1991.

The role of the commission will be to consider and evaluate alternate solutions and scientific and technical questions concerning the Gabčíkovo-Nagymaros Project which will be presented by the Heads of government delegations before December 31, 1991.

I would like to emphasize again, that due to the advance stage of the construction on the Gabčíkovo Project, only such a solution is acceptable for our side which aims to put the Gabčíkovo Project into operation. The future of the Nagymaros Project will be considered along with compensation for damages to Czecho-Slovakia resulting from a failure, by the Hungarian side, to fulfil the obligations under the interstate Treaty and related documents. Our side is prepared to participate in formulating a concept for to solving possible ecological problems, if caused by the operation of the Project on the territories of both Czecho-Slovakia and Hungary.

The Czecho-Slovak side declares that it will continue in the works on the G/N Project aiming to put the Gabčíkovo section into operation, but it commits itself not to carry out any work in the river bed of the Danube up to July 1992.

Dear Minister, I would like to point out that all steps realized by our side up to this time on the Project were in accordance with international legal obligations of our state. The measures, which are beyond the framework of the Joint Contractual Plan, were necessitated by the unilateral decision of the Hungarian side not to fulfil its treaty obligations. The Czechoslovak side, determined to fulfil its obligations, was compelled to adopt measures to preserve the substance and goals of the interstate Treaty of 1977 and to prevent the growing ecological and economic damages.

I believe that the Hungarian side will take into consideration the mentioned arguments and will take a position in accordance with international law.

Please accept, dear Minister, the assurances you of my high consideration.

(Signed) Ján Čarnogurský

Annex 100

(Translation by Hungary)

Letter of 19 December 1991 from the Hungarian Prime Minister to the Czechoslovak Prime Minister

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 Gabcikovo-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 GNV 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 bearing 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 emphasized on every occasion that they considered the issue of the GNGB to be primarily a professional-scientific problem. The parliamentary committees of the two countries which had been authorized 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 examining the professional questions to be their most important assignment. The delegations previously put their proposals on 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 Madl, 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 Gabcikovo Barrage and for this purpose continued the construction of the Gabcikovo Nagymaros Barrage. This also includes construction which deviates from the joint agreement 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 suggesting the irreversibility of the construction.

Dear Mr. Prime Minister. I am confident that the representatives of the Government and the Parliament of the Czech and Slovak Republic taking their historical 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, Jozsef Antall

Annex 101
(Translation)

Letter of December 1991 from Chairman of Hungarian National Assembly to Chairman of Czechoslovak Federal Assembly (Alexander Dubček)

Unofficial translation

Budapest, December 1991

Chairman of the Hungarian National Assembly

Mr. Alexander Dubček Chairman of the Federal Assembly of the Czech and Slovak Federal Republic

Dear Mr. chairman,

as it is known, the former government of the Hungarian People's Republic and the government of the Czechoslovak Socialist Republic concluded in 1977 the Treaty concerning the construction and operation of the system of waterworks Gabčíkovo-Nagymaros. During preparation works lasting many years, the designers did not take into account the ecological viewpoints. Therefore since the start of construction the arguments of neglected institutions for the protection of ecological values, which are more and more estimated in the whole world, intensified and almost whole Hungarian society got mobilized.

The Hungarian government terminated in summer 1989 the construction works on the system of waterworks while it had not seen any other possibility to divert the ecological catastrophe in case of putting the waterworks into operation. At the same time it demanded the groups of national and international experts to examine the ecological problems and it tried to find out a common solution with Czechoslovak side through negotiations.

The change of political systems in our countries gave the possibility to a common, human solution of serious problems heritated from the dictatorship system of the past, the possibility of competent decision regarding the interests of future generations.

The ecological committees of the Parliaments of our countries led in September 1991 to negotiations on the G/N System of waterworks. They stated that the problem to be solved is first of all of a scientific character and the way out from the present situation can be found with regard to these facts. They

recommended to governments to establish a common expert commission to order the existing scientific results, to complete missing researches and to consider the safety characteristics and technical competence of constructed buildings. They recommended the maximum speed up of these activities to decrease the ecological damages to minimum and also to stop any other construction which would determine definitely the shape of country disintegrated already by the waterwork.

Both sides considered during negotiations in December 1991 for the most important question to set up the mandate of the common commission examining the specific questions. Even if an agreement was reached in all substantial questions concerning the activities of expert commissions as the synthesis of previous proposals, however this December meeting did not bring the awaited result.

The Hungarian side demanded that during examinations of experts commissions the Czech and Slovak side would not perform such works which would be incompatible with the Treaty of 1977 and which would be directed to unilateral solution (aiming to divert eventually the Danube what would violate the international law). The fulfilment of this condition - serving to realization of common researches - was not accepted by the Czech and Slovak side, therefore the Hungarian side proposed to get more ten days to consider once more this situation.

As I was informed, the Prime Minister of the Slovak Republic Ján Čarnogurský, in his letter of December 18, 1991 addressed to the chief of the Hungarian delegation Ferenc Mádl, declared that for the Czech and Slovak side would be acceptable only such solution which would take into account putting the waterwork Gabčíkovo into operation and therefore it would continue to perform these realization works on the G/N System of waterworks. It is related also to construction works differing from the joint Treaty even if the aim of these works - due to insufficient official information - is not known to Hungarian side up to nowadays.

I must state with regret that we retreat more and more from the recommendations given by the ecological committees of our Parliaments, the possibilities to accept a joint decision. The establishment of a common expert commission would have a sense only in such case if both governments would oblige themselves that they would take into account the viewpoints of experts at their future negotiations. Therefore it would be suitable to wait for the results of the expert examinations and to let open every possible solution and not to press the experts with the urgency of completion of construction.

Dear Mr.chairman, I hope that the deputies of the Federal National Assembly and the government of the Czech and Slovak Federal Republic - with conscience of historical responsibility - would take into account the mentioned rational viewpoints. In case that this will not be fulfilled, the government of the Hungarian Republic will be in need to evaluate the consequences of interruption of negotiations, the future of the Treaty of 1977 and related steps.

Please, accept my highest consideration.

György Szabad

Annex 102

LETTER FROM THE CZECHOSLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Prague, January 23, 1992

Dear Prime Minister,

Thank you for your letter of December 19, 1991. In connection with the construction of the Gabčíkovo-Nagymaros system of locks I would like to inform you that for the Czech and Slovak Federal Republic the question of construction and operation of locks on the Danube is of great importance and also affects the areas of the economy, ecology, water management as well as navigational conditions on our territory.

When considering the problem in its whole complexity from the present point of view it is necessary to take into account above all the fact that the 1977 inter-state Treaty on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks continues to be in force and obligates both sides to fulfil the treaty commitments. The Czechoslovak side is prepared to fulfil its obligations and complete the construction of locks on the Danube while minimizing proven ecological impacts.

Let me point out that the construction of locks was gradually realized with the consent of the Governments of both states until May 13, 1989 when the Government of the Republic of Hungary unilaterally decided to suspend work on the Nagymaros part fearing that the putting of the Gabčíkovo-Nagymaros system of locks into operation will give rise to an emergency situation from the ecological point of view.

Despite a series of talks held by plenipotentiaries of the Governments of the Czech and Slovak Federal Republic and the Republic of Hungary, those held at the level of Governments of

Mr József Antall
Prime Minister
of the Republic of Hungary
Budapest

the Czech and Slovak Federal Republic and the Republic of Hungary as well as of other bodies at which the Czechoslovak side was seeking a solution acceptable for both sides, the position of the Hungarian Government and of the Parliament remained unchanged and on the contrary in its resolution of April 23, 1991 the National Assembly of the Republic of Hungary directed the Government of the Republic of Hungary to hold talks with the Government of the Czech and Slovak Federal Republic on the termination of the 1977 Treaty and other related documents and on the conclusion of a new treaty aimed at making arrangements concerning the consequences arising from the abandonment of the construction of locks on the Danube.

I support your statement that the satisfactory resolution of the problem of the Gabčíkovo-Nagymaros system of locks is above all a matter of expert and scientific assessment. I would like to inform you in this context that the Czechoslovak side has elaborated a series of expert documents, the list of which was handed over to the Hungarian side in December 1991, and that none of them proved a real and inevitable risk of an ecological catastrophe in connection with the realization of the Gabčíkovo-Nagymaros system of locks. From this point of view, the Hungarian side has thus far not submitted any conclusive materials.

Dear Prime Minister,

You have stated in your letter that the work currently underway on the Gabčíkovo part of the system of locks is unlawful and is threatening the establishment of a joint expert commission.

I would like to emphasize in this connection that the decision of the Hungarian Government to suspend work on the system of locks on the Danube is unlawful and negatively affects the Czech and Slovak Federal Republic where, with the consent of the Governments of both countries, extensive construction work was carried out in the past period and where most of the structures are under construction nearing completion. In order to minimize the spread of economic and ecological damage on the Czechoslovak territory, to optimally exploit the available power potential and to create necessary conditions for navigation on the Danube, the Government of the Czech and Slovak Federal

Republic decided on December 12, 1991 to put the Gabčíkovo part into operation and to complete its construction on the territory of the Czech and Slovak Federal Republic.

In any case, this decision does not violate international law and does not exclude further talks on the possibility of finding a joint solution with the regard to construction of the Gabčíkovo-Nagymaros system of locks.

In accordance with the conclusions of talks of government delegations and on the basis of the joint statement of the Committee for the Protection of Environment of the National Assembly of the Republic of Hungary and the Committee for Environment of the Federal Assembly of the Czech and Slovak Federal Republic of October 11, 1991, the Czechoslovak side confirms its interest in creating a joint commission of experts with the participation of experts from the European Communities. The Czechoslovak side is also prepared to take into consideration the results of the commission's activities within the further course of solving the problem of construction of the Gabčíkovo-Nagymaros system of locks. Provided these conclusions and results of monitoring the test operation of the Gabčíkovo part confirm negative ecological effects exceed its benefits Czechoslovak side is prepared to stop work on the provisional solution and continue the construction upon mutual agreement.

In this respect I recommend a joint request to the European Community to speedily appoint its experts to the joint Czechoslovak-Hungarian expert commission so that this body could start its activities as soon as possible.

Dear Prime Minister.

Let me assure you that the Czechoslovak side is not interested in escalating the whole problem but in creating, in the spirit of traditionally good and friendly relations between our two countries, conditions for finding a joint solution acceptable to both sides.

Please, accept, dear Prime Minister the assurances of my high consideration.

(Signed) Marián Čalfa

Annex 103

LETTER FROM THE PRESIDENT OF THE CZECHOSLOVAK FEDERAL ASSEMBLY TO THE PRESIDENT OF THE HUNGARIAN NATIONAL ASSEMBLY

(Translation)

Praha, January 27, 1992 S 175/92

Dear Mr. President,

In your letter of December 19, 1991 you summed up some facts concerning the history of construction of Gabčíkovo-Nagymaros Project. Allow me to address some of these facts from the point of view of the Federal Assembly of the Czech and Slovak Federal Republic.

Shortly after the elections, the delegations of Committees for Environment of our Parliaments met in Praque at invitation of the Federal Assembly. Although the Hungarian side did not include the issue of the Gabčíkovo-Nagymaros Project in the official agenda, I was informed the discussions unofficial consultations resulted in a high degree of mutual confidence, which among other things, made possible presentation of the Czechoslovak Minister - Chairman of the Federal Committee for Environment in the National Assembly of the Republic of Hungary. Later, it was with pleasure that I welcomed the October 1991 news of resumed negotiations between the delegations of the Committees for Environment in Budapest and especially the Joint Declaration (attached) which we considered for good basis to reach an agreement. Here I must emphasize that, along with the Heads of Committees for Environment, I consider as optimal only a joint resolution of problems.

I was disappointed by the failure of negotiations between our government delegations on December 2 in Budapest, when they did not succeed in bringing the spirit of the Joint Declaration into their conclusions.

Mr. György S z a b a d
President of the National Assembly
of the Hungarian Republic
B u d a p e s t

In spite of this, I consider further negotiations of Parliament and Government delegations not only possible but highly necessary.

The reason for my moderate optimism is the position of the Czecho-Slovak Committees for Environment, which at the session on January 15, considered this issue in detail and in the presence of all members of the Czechoslovak government delegation in Budapest, as well as in the presence of representatives of ecological groups and local self-administrative authorities. The attached Resolution of the Committees, calls for consistent fulfilment of Resolution No. 200 (also attached) and supports the Joint Declaration of our Parliament delegations and with which you, too, agreed during negotiations in Budapest. The Prime Minister of the Slovak Republic and Head of the Czechoslovak delegation, Mr. Čarnogurský, stated the position of the Czechoslovak Government during the sessions of Parliament Committees for Environment.

Dear Mr. President,

trust the above-mentioned facts provide sufficient quarantees and reasons for continued negotiations. I propose that we support a joint solution at our personal meeting and explore ways to achieve this goal. Therefore, I asked the Chairmen of Committees for Environment that, as members of the delegation of the Federal Assembly, they visit with me the National Assembly of the Hungarian Republic. The negotiations of the delegations of both Parliaments on January 24 -26, Bratislava had to precede this meeting to obtain more specific documents for our meeting. I regret that the Committee for Environment of the Hungarian Parliament cancelled this meeting, which was to continue the negotiations of Councils of Federal Assembly and Hungarian Parliament in Budapest. judgement, Mr. President, that the immediate resumption of negotiations on joint solutions of problems related to the Gabčíkovo-Nagymaros Project, without preconditions, and on the establishment of а Joint Commission which would independent experts, is the only way to arrive at solutions benefiting our countries as well as the environment. The Czecho-Slovak side, guided by a desire to prevent further ecological and economic damages, is under these circumstances compelled to continue, to the extent necessary, the variant of provisional solution. Therefore we think that it is very important to expedite the negotiations. The Gabčíkovo Project is nearing completion. The Resolution of the Czechoslovak government of December 1991 is based on this fact.

Mr. President, I believe our positions are very close in this regard and that our meeting in Budapest with the representatives of our Committees may become an appeal for the Governments of both countries. In my view, the Parliaments should not assume the role of the Governments. But we could open the doors for the Governments to continue the negotiations to prevent a deterioration of our good neighbourly relations. I firmly believe, we will succeed, at this historic moment when the cooperation of our countries is more than desirable to form an atmosphere conducting to develop joint solutions, instead of undertaking unilateral measures of retaliation.

Please accept the assurances of my highest consideration Looking forward to meeting you

(Signed) Alexander Dubček

3 Annexes (33 A,B,C)

Annex 104
(Translation)

Hungarian Note Verbale of 14 February 1992

Ministry of Foreign Affairs of the Republic of Hungary 2014/92

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 honour to inform the following in the name of the Government of Hungary.

The Government of the Republic of Hungary was informed with the letter from Marian Calfa. Prime Minister of the Czech and Słovak Federal Republic, dated January 23, 1992 and handed over on February 4, which was addressed to József Antall, Prime Minister of the Republic of Hungary, about the decision of the Government of the Czech and Słovak Federal Republic of December 12, 1991 to put the hydropower plant Gabcíkovo into operation and to continue the construction on the territory of the Czech and Słovak Federal Republic.

The Government of the Republic of Hungary has to state that the decision of the Government of the Czech and Slovak Federal Republic as well the works to realize the construction are directed by the unilateral intention to divert the Danube as the common frontier flow.

The Government of the Republic of Hungary confirms its view which was presented several times on intergovernmental negotiations on Gabcikovo-Nagymaros water works and wants to stress in this way that the resolution of the Government of the Czech and Slovak Federal Republic and its fulfilment is not in conformity with the Treaty 1977 concerning the construction and operation of the G/N water works, as well the Agreement of 1976 on the regulation of water management on boundary waters.

The Government of the Republic of Hungary calls attention of the Czech and Slovak Federal Republic to the fact that the unilateral diversion of the Danube contradicts the sovereignty and territorial integrity, the principles of international law on inviolability of state frontiers as well the general law concerning

international flows and the spirit of the Belgrade Convention concerning the regime of navigation on the Danube signed in 1948.

The Government of the Republic of Hungary must thus qualify the decision of the Government of the Czech and Slovak Federal Republic of December 12, 1991 as illegal, it considers the decision as unacceptable and asks the Government of the Czech and Slovak Federal Republic to stop all works directed to divert the Danube.

The Government of the Republic of Hungary avails itself of this opportunity to state its intention to resolve all disputable questions concerning the G/N Project. But it must state at the same time that this intention will be nullified by the decision of the Government of the Czech and Slovak Federal Republic directed to divert the Danube and its realization.

Courtesy.

Budapest, February 14, 1992

Annex 105

CZECHOSLOVAK NOTE VERBALE OF 18 MARCH 1992

(Translation)

No.: 83.015/92 - MPO

The Federal Ministry of Foreign Affairs of the Czech and Slovak Federal Republic presents its compliments to the Embassy of Hungary and confirming the receipt of the Note of the Ministry of Foreign Affairs of Hungary No. 2014/92 of February 14, 1992 has the honour to advise of the following:

The decision of the Government of the Czech and Slovak Federal Republic to begin, as a temporary solution, the work of putting into operation the Gabcikovo Project only on the territory of the Czech and Slovak Federal Republic, was made after a failure of another round of negotiations of government delegations on December 2, 1991 in Budapest, due to the position of the Hungarian side. Since May 13, 1989, the Hungarian Republic has not fulfilled its obligations under the Treaty of 1977 concerning the construction and operation of the Gabcikovo-Nagymaros System of Locks and related treaty documents, has not demonstrated a willingness to solve problems which have arisen through negotiations and did not accept a proposal to establish the joint commission of experts with participation of experts of the European Communities.

After more than two and half years of fruitless discussions, in order to protect the fundamental ecological and economic interests of the State, the Government of the Czech and Slovak Federal Republic was forced, by the conduct of the Hungarian side, to begin work on a measure of a temporary nature which does not prevent the two sides from continuing their negotiations and which does not defeat the purpose of the Treaty of 1977.

Embassy of the Republic of Hungary <u>Prague</u> The Government of the Czech and Slovak Federal Republic, which was the first to propose the establishment of joint special commission with EC experts' participation without any preconditions, reaffirms its interest in establishing such a commission and is prepared to accept its conclusions regarding the construction of the Gabcikovo-Nagymaros Project. If it is confirmed that negative ecological impact of the operation of Gabcikovo Project outweighs its benefits, the Czechoslovak side is prepared to stop all work on the provisional solution and to resolve its future on the basis of a mutual agreement.

The work on the provisional solution will also be stopped if the Hungarian side ceases unilateral violations of the Treaty of 1977 and resumes fulfilment of its obligations under the said Treaty or should another agreement be reached between the Czech and Slovak Republic and the Hungarian Republic on the future of the Gabcikovo-Nagymaros Project.

For the above-mentioned reasons, the Government of the Czech and Slovak Federal Republic refutes the claim that its decision of December 12, 1991 is unlawful and that it contradicts the principles and treaties mentioned above.

The Government of the Czech and Slovak Federal Republic is prepared to continue the negotiations with the Hungarian side on every level with the aim of finding a solution to the current situation. However, it cannot agree to stop the work on the provisional solution. There is enough time, according to the Czechoslovak side, to resolve all controversial issues with mutual agreement between both countries, before the Danube is dammed.

The Federal 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, March 18, 1992

Annex	-4	~
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(Translation by Hungary)

Letter of 26 February 1992 from the Hungarian Prime Minister to the Prime Minister of Slovakia responding to the Czechoslovak letter of 23 January 1992

Marian Calfa
President of the
Government of the Czech and Slovak Republic

Dear Mr. Prime Minister!

I thank you for you 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 cooperation. The maintenance of good cooperation between the states of the region, the "Visegrad 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 Gabcikovo 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 unrevealed. 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 summarize 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 Gabcikovo 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 Pozsony's (Bratislava's) water supply,, and in the water stored in the gravel sedimentary cap at Csallokoz-Szigetkoz, 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 acclimatized to the water's seasonal dynamics. These communities are able to keep in step with this process only in gradual stages. e 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 cooperation 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 Gabcikovo 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 emphasize 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 Pozsony (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 Gabcikovo 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 cooperation of the "Visegrad three," instead of increasing tensions. This responsibility burdens us, now. We await the Czech and Slovak Government's response to the t 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 position of duress 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 duress by It must do so in defence of the terminating the 1977 inter-state Treaty. 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 authorization 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.

Jozsef Antall

Annex 107

LETTER FROM THE VICE-PRESIDENT OF THE COMMISSION OF THE EUROPEAN COMMUNITIES TO THE CZECHOSLOVAK MINISTER OF FOREIGN AFFAIRS

(Translation)

Brussels 13. IV. 1992

Dear Minister,

With reference to your discussion with President Delors in Brussels on March 10, 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 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 Government can identify a mutually acceptable solution.

The members of the Committee should be independent professionals with solid experience in the relevant fields and be 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 getting cut the terms of reference or mandate for the work of the Committee.

His Excellency
Mr. DIENSTBIER, Minister
Federal Minister of Foreign Affairs
Loretanske Nám. 5
125 10 Praha 1
Czech and Slovak Federal Republic

- (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.

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 of a similar nature and content has been sent to the Minister of Foreign Affairs of Hungary, Mr. Jeszenszky.

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,

(Signed) Frans Andriessen

copy: His Excellency

Mr. DLOUHY, Minister

Ministry for the Economy

Nabrezi kpt. Jaroše 1000

170 32 Praha

Czech and Slovak Federal Republic

His Excellency

Mr. VAVROUŠEK, Minister

Federal Committee for the Environmental

120 29 Praha

Czech and Slovak Federal Republic

Annex 108

LETTER FROM THE CZECHOSLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Prague, April 23, 1992

Dear Prime Minister,

Thank you for your letter of February 26, 1992. Please be advised that I also share with your the view that all questions related to the construction of the Gabčíkovo - Nagymaros system of locks are our common problems which must be settled above all in accordance with the 1977 Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic concerning the construction and operation of the Gabčíkovo - Nagymaros system of locks, which the Government of the Czech and Slovak Federal Republic considers and has always considered in force. The Government of the Czech and Slovak Federal Republic and other competent Czechoslovak bodies in their decision-making related to the Gabčíkovo-Nagymaros system of locks, have always complied with obligations contained in the 1977 Treaty, bearing in mind the environmental interests of the whole Danubian Basin area. I would like to underline right at the beginning of my letter that the Czech and Slovak Federal Republic considered problems which arose within the construction and operation of the Gabčíkovo -Nagymaros system of locks after May 13, 1989 as scientific problems and tried to solve them on an expert level, without emotional and political influences. It is in the interest of the Government of the Czech and slovak Federal Republic that this should question not have a negative impact traditionally very good relations in all respects.

The Government of the Republic of Hungary, since May 13, 1989, when it unilaterally, without any consultations with the Czechoslovak side, and in violation of the 1977 Treaty, suspended the fulfilment of its obligations arising from this Treaty, has

Mr. József Antall Prime Minister of the Republic of Hungary Budapest not submitted any document based on scientific and technical reasoning which would confirm the fears of the Hungarian side of an ecological catastrophe. In this connection I was astonished by the part of your letter in which you had stated with surprise that the Czechoslovak experts had not submitted to the Hungarian side any document proving that the fears of the Hungarian side were groundless. It is beyond any doubt that it is the Hungarian side which is supposed to prove its assertions about the threat of an ecological catastrophe and propose a solution which would respect the state of work done within the construction of the Gabčíkovo-Nagymaros system of locks as well as the overall ecological situation in the respective area. It is to be regretted that it has so far not done so.

Nearly three years have elapsed since the unlawful decision of the Hungarian Government, during which the Czechoslovak side carried out a whole series of studies and project works aimed at seeking an optimum solution of the problems of the Gabčíkovo-Nagymaros system of locks acceptable for both sides. The Government of the Czech and Slovak Federal Republic, too, considers the protection of underground waters and ecological systems as task of paramount importance. The above-mentioned research, however, has not confirmed the fear of the Hungarian side of an ecological catastrophe.

As regard the seismological situation, I hold the view that this question was actively pursued and settled between the Academies of Sciences of the two states.

Dear Prime Minister,

Allow me to inform you of the fact that the suspension of work, decided by your Government three years ago, poses a whole series of serious ecological, economic and other problems in the Czech and Slovak Federal Republic. As a result of the construction of water dams in the German and Austrian sections of the Danube, the volume of sediments deposited by the river has begun to decrease substantially which has led to the development of erosive activity of the Danube in the section downstream below Bratislava. The water level of the Danube has sunk over the past decade by 1 - 1,5 metres thus cutting off a number rof its branches, for instance in the Mosoni Danube, and therefore there

was no water in it for 300 days in 1991. Unless appropriate measures are speedily taken, the flood plain forests in the area will be doomed to destruction. Another serious ecological problem is the 25 kilometres long and an average of 350 metres wide bypass canal, so far unused, built in our territory not only by Czechoslovak but also by Hungarian organizations on the basis of the 1977 Treaty.

When taking a desicion about the further approach to the solution of disputable problems of the Gabčíkovo-Nagymaros system of locks it is necessary to take into account also other important aspects. The floods of August 1991 proved again that the protection of both the Czechoslovak and Hungarian territories in the Bratislava-Medvedovo area against overflows of water is today completely insufficient. The exploitation of the hypass canal of the Gabčíkovo dam for passing the floodwaters could thus greatly contribute to substantially increasing the safety of the population of the whole area.

The opening of the Rhine-Main-Danube canal scheduled for the autumn of this year which will connect the North and the Black Seas, will make new requirements in order to improve the navigation in the common Czechoslovak-Hungarian section of the Danube. It is in the economic interest of both our countries to cope with these requirements as quickly as possible. Even in this respect the Gabčíkovo-Nagymaros system of locks appears to be the quickest and the most effective solution, and probably also the most acceptable from the ecological point of view.

We must take into consideration also the fact that for both our states the Danube is by far the largest renewable source of energy and that its ecologically profitable exploitation for the production of electricity can substantially improve the difficult energy situation in both our countries. At the same time it can contribute to solving the serious ecological consequences of power generation from coal, particularly in the Czech and Slovak Federal Republic, in the area of Nováky and North-western Bohemia.

The present economic situation in the Czech and Slovak Federal Republic forces us to consider very seriously the enormous financial amount already spent on the construction of the Gabčíkovo-Nagymaros system of locks. We cannot afford to

leave or to cancel this system of locks, unless it is quite convincingly proved that its installation into operation would really have the "catastrophic ecological consequences" as you have mentioned.

We believe that the Hungarian side will pay due attention to all these aspects concerning ecology, safety, navigation, energy and economy connected with the Gabčíkovo-Nagymaros system of locks when making further decisions. For the Czech and Slovak Federal Republic, the most expeditious resolution of open questions connected with the construction of the Gabčíkovo-Nagymaros system of locks is a matter of special importance.

Dear Prime Minister,

You write in your letter that the Hungarian side has striven for the creation of a trilateral joint Commission of experts, including international specialists. Allow me to mention in this connection the fact that the proposal for setting up a trilateral Commission was submitted to the Hungarian side by the Delegate of the Government of the Czech and Slovak Federal Republic in charge of the construction of the Gabčíkovo-Nagymaros system oflocks at negotiations held between plnipotentiares of both states as early as on September 6, 1990. This proposal was repeatedly submitted at various levels, most recently during negotiations of governmental delegations in Bratislava on July 14 and 15, 1991, but it has always been refused by the Hungarian Though the Hungarian side accepted the Czechoslovak proposal at negotiations held in Budapest on December 1 and 2, 1991, it made this proposal subject to the fulfilment of a unilaterally formulated condition of suspending all work on the provisional solution of the Gabčíkovo dam, having the nature of an ultimatum.

You have also mentioned that ever since having suspended the construction, the Hungarian side sought a solution to the problem through negotiations. However, over the past three years the Hungarian side has not submitted a single constructive proposal for the resolution of the situation. In my opinion, a proposal for the dismantling or conservation of almost completed dam and the demand for the termination of the 1977 Treaty cannot be considered as a constructive solution. What is more, these

proposals have lacked concrete ideas of the technical ways of dismantling or conservation of the dam, and the solution of questions of financing such work. It is to be regretted that even from your letter of February 26, 1992 it is evident that the Hungarian side persists in its unwillingness to agree to set into an ecologically safe operation at least the Gabčíkovo step, even on the condition of thorough monitoring of its effects on the environment, including the quality of groundwaters.

For the above-mentioned reasons the Government of the Czech and Slovak Federal Republic has been forced by the conduct of the Republic of Hungary to adopt the decision about measures on putting into operation the Gabčíkovo step only on the territory of the Czech and Slovak Federal Republic as a provisional solution, as I informed your in my letter of January 23, 1992. Further information on this subject is contained in Note No. 83.015/92-MPO of the Federal Ministry of Foreign Affairs of the Czech and Slovak Federal Republic of March 18, 1992, which also discloses the reasons for which the Government of the Czech and Slovak Federal Republic rejects the allegations that its decision about a provisional solution is unlawful.

I am deeply convinced that delivering ultimatums which can have a negative bearing not only on relations between our states but also on the overall situation in Central Europe does not contribute to solving the existing problems. Therefore I do not see as positive the statements of a number of Hungarian representatives according to which the Hungarian side intends to withdrawal unilaterally from the 1977 Treaty concerning the construction of the Gabčíkovo-Nagymaros system of locks unless the Czechoslovak side suspends all work on the provisional solution by April 30, 1992.

The Government of the Czech and Slovak Federal Republic is ready to negotiate with the Government of the Republic of Hungary all aspects connected with the implementation of the 1977 Treaty, i.e. with the construction and operation of the Gabčíkovo-Nagymaros system of locks, at all levels. I recommend that scientific and technical questions be discussed above all by the Plenipotentiaries of our two Governments, as provided for in Article 3 of the 1977 Treaty. Both the Government of the Czech and Slovak Federal Republic and the Government of the Republic of

Hungary have the obligation to create conditions for their work. The Czechoslovak side has shown sufficient good will and readiness for negotiations but at present it can no longer accept procrastinations and delaying tactics of the Hungarian side, and thus cannot suspend work on the provisional solution. In my opinion, there is still time, until the damming of the Danube, (i.e. until October 31, 1992), for resolving disputed questions on the basis of agreement of both states.

I repeat again that the Government of the Czech and Slovak Federal Republic, which was the first to have proposed the setting up of a joint Commission of experts, participation of experts from the European Communities, continues to be interested in its establishment without any preliminary ready to take into consideration and is conclusions and recommendations within further decision-making concerning the problem of the construction of the Gabčíkovo -Nagymaros system of locks. The Czechoslovak side expects the Republic of Hungary to make a similar statement. In accordance with the letter of Mr. F. Andriessen, Vice-President of the EC Commission of April 13, 1992, I propose that the Ministers of Foreign Affairs of our two Governments address to the European Communities the request to appoint experts into a Commission. A draft of such a letter is enclosed.

At present, when the technological and natural conditions on Danube, favourable for damming the river bed, set the time within which we must decide about the fate of Gabčíkovo as one part of the System of locks, the Czechoslovak side expects a speedy reaction of the Hungarian side to the proposal for setting up a trilateral Committee. Allow me to recall in this connection that the Nagymaros dam forms an inseparable part of the whole system of locks and that both sides must deal with its fate.

Dear Prime Minister,

I would like to assure you that the Czech and Slovak Federal Republic is eminently interested in preventing any further escalation of the whole problem. It is interested is resolving the situation, which arose after unilateral steps taken by the Hungarian side, in a matter-of-fact way, without any propaganda campaigns, on the basis of scientifically verified data, in the

spirit of traditionally good and friendly relations between the two states. Both sides must be ready for compromise within the framework of a mutually acceptable solution. In the course of negotiations the Czechoslovak side has already several times shown its readiness for such a compromise and is ready to continue in seeking such optimum solution acceptable for both sides. At the same time, however, it would like to express the conviction that negotiations will not be misused in order to gain time and delay the resolution of the situation which is unbearable for the Czech and Slovak Federal Republic for a number of significant ecological, economic and political reasons.

Please, accept the assurances of my high consideration.

(Signed) Marián Čalfa

Draft joint letter to the Vice-President of the EC Commission Frans Andriessen

Dear Mr. Vice-President,

In accordance with your letter of April 13, 1992 we are inviting you on behalf of the Government of the Republic of Hungary and the Government of the Czech and Slovak Federal Republic to appoint experts to a joint Committee of experts which should assess the problems connected with the implementation of the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic concerning the Gabčíkovo-Nagymaros system of locks of September 16, 1977 and other internationally binding documents related to this Treaty.

The Committee should thoroughly assess all aspects connected with the construction and operation of the Gabčíkovo-Nagymaros system of locks, particularly the protection against floods, navigation, the protection of the environment, the exploitation of the energy power of the Danube, the preservation of the quality and quantity of drinking water reservoirs, economic and financial questions and questions related to international law. The Committee should proceed in its activities from the current stage of construction of the system of locks and of fulfilment of obligations by both Contracting parties. results of the assessment of the Committee as such will not have any impact on the amendment or termination of obligations arising from the 1977 Treaty and other internationally binding documents related to this Treaty or establishment of new obligations. They will be without any prejudice to the rights and obligations resulting from the responsibility for violation of the treaty obligations.

Both Governments express their readiness to proceed from the conclusions and recommendations adopted by the joint Committee of experts in taking decisions on the further steps in this issue. The Covernments also assume that there will be no preliminary conditions for the work of the Committee.

The Government of the Czech and Slovak Federal Republic undertakes, as a gesture of good will, not to dam the Danube riverbed on its territory before October 31, 1992 and it will

thus not take any step which could hinder the implementation of measures recommended by the Committee of experts and jointly agreed on.

Minister of Foreign Affairs
of the Czech and Slovak Federal
Republic

Minister of Foreign Affairs of the Republic of Hungary

LETTER OF 24 APRIL 1992 FROM THE CZECHOSLOVAK MINISTER OF FOREIGN AFFAIRS TO THE VICE-PRESIDENT OF THE COMMISSION OF THE EUROPEAN **COMMUNITIES**

(Translation)

Prague, April 24, 1992

Dear Mr. Vice-President,

Thank you for your letter of April 13, 1992, which contains the EC offer to participate in and to chair a Committee of independent experts which would assess aspects connected with the implementation of the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic of September 16, 1977 concerning the construction and operation of the Gabčíkovo-Nagymaros system of locks, and other internationally binding documents related to the Treaty.

The Czechoslovak side is ready to participate in establishing such Committee and proceed in its establishment from the principles you proposed. I suppose that their content will be specified and detailed in a joint letter, which I will send you with my Hungarian colleague Mr. Jeszensky as soon as we agree on its text.

His Excellency

Mr. Frans ANDRIESSEN Vice-President Commission of the European Communities

Brussels

Enclosed please find for your information a copy of a letter sent by the Czechoslovak Prime Minister Marian Čalfa to his Hungarian counterpart Mr. József Antall, and a Czechoslovak draft of the joint letter which would request the EC to appoint experts to this Committee.

I believe that in effective cooperation with you personally and with other EC bodies we shall manage to settle existing problems in the interest of both sides.

Yours respectfully,

(Signed) Jiří Dienstbier

Unofficial translation

Resolution of the Hungarian Government on the termination of the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic concerning the construction and operation of the Gabčíkovo-Nagymaros water works signed in Budapest on September 16, 1977.

- 1. The Government of Hungary is given a power, on the basis of the article 3 of the Resolution of the Hungarian Parliament, No. 12/1992 (of April 4), to terminate unilaterally, beginning May 25, 1992, the interstate Treaty of 1977 and all related Agreements which were concluded by treaty parties, respectively their authorities for realization of this interstate Treaty.
- 2. Regarding the negotiations within the Visegrád Three undertaken in this case, it is necessary to realize at the latest on May 15, 1992, the negotiations with the Prime Minister of the Slovak Government, Ján Čarnogurský, in the presence of the ambassadors of the European Communities in Budapest and Prague concerning the agreement that the Czechoslovak side stops, temporary, for the period of six months, all works (on the Variant C) and the trilateral analyses start that both sides can, on the basis of recommendations ensuing from these analyses, to solve this interstate case with a joint agreement (interstate discussion).
- 3. If negotiations recommended in point 2 will not be successful, then the Government informs the Czecho-Slovak Federal Government, until May 20, 1992, in the diplomatic way the termination of the interstate Treaty 1977. The final text of the Protocol is to be adapted according to comments mentioned at the Government session.
- 4. The Hungarian Government initiates in the Protocol to settle the consequences ensuing from the termination of the interstate Treaty 1977 by a new interstate Agreement. It

should contain:

- from the ecological point of view to restore the natural values of the region, resp. to maintain them, especially the supplies of drinking water,
- flood protection
- solution of navigation in this area with respect to existing natural conditions.

Budapest, May 7, 1992

LETTER FROM THE SLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Bratislava, May 11, 1992

Dear Minister,

I am referring to our telephone conversation of May 8, 1992 and of today. Thank you for sending me the text of the Resolution of the Government of the Republic of Hungary of May 7, 1992 on the termination of the 1977 Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks.

The Government of the Slovak Republic dealt at its extraordinary session today with the above Resolution of the Government of the Republic of Hungary. I have also informed the Government of the Slovak Republic of your invitation to a meeting in Györ on May 13, 1992. The Government of the Slovak Republic passed a resolution and a declaration enclosed to it. I hereby enclose both these documents.

The Government of the Slovak Republic is convinced about the usefulness and necessity of continued talks with the Hungarian side on the problem of the Gabčíkovo-Nagymaros system of locks. I would like to stress my readiness to discuss with you a possible change in the date of damming the Danube riverbed by the Czecho-Slovak side. Nevertheless, I consider it inappropriate to limit the subject of negotiations in advance by setting preliminary conditions. The talks between delegations of the Governments of the Czech and Slovak Federal Republic and the Mr

Ferenc Mádl
Minister in the Government
of the Republic of Hungary
B u d a p e s t

Republic of Hungary on the implementation of the 1977 Treaty are desirable the more so because they should also address the question of accepting the offer made by the EC Commission to create a trilateral expert group. Mr. Kocinger, the 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 system of locks, was authorized by the Government of the Slovak Republic to prepare materials in cooperation with his Hungarian colleague for the talks. I also enclose the text of the letter in which Mr Kocinger addressed his Hungarian colleague, Mr Hajós.

Dear Mr Minister, I would be glad to meet you to discuss, as I hope, all the topical questions of the construction and operation of the Gabčíkovo-Nagymaros system of locks.

Let me assure you, dear Mr. Minister, of my high consideration.

(Signed) Ján Čarnogurský

Annexes: 2

RESOLUTION

of

the Government of the Slovak Republic May 11, 1992, Number 329

In regard to the information on the Resolution of the Hungarian Republic of May 7, 1992 to terminate the Treaty of 1977 between Czechoslovakia and Hungary concerning the construction and operation of the Gabčíkovo-Nagymaros System of Locks.

The Government

A. takes note

of the information on the Resolution of the Hungarian Republic of May 7, 1992 to terminate the Treaty of 1977 between Czechoslovakia and Hungary concerning the construction and operation of the Gabčíkovo-Nagymaros System of Locks.

B. approves

the Declaration of the Government of the Slovak Republic on the Resolution of the Government of the Hungarian Republic of May 7, 1992 to terminate the Treaty between Czechoslovakia and Hungary concerning the construction and operation of the Gabčíkovo-Nagymaros System of Locks of 1977, as stated in the Annex to this Resolution

C. imposes

- upon the Prime Minister to inform the Government of the Czech and Slovak Federal Republic on the situation which has arisen and the position of the Government of the Slovak Republic.
- 2. upon the Plenipoteniary of the Government of the Slovak Republic for the construction and operation of the Gabčíkovo-Nagymaros Project in cooperation with the Plenipoteniary of the Government of the Republic to

prepare the expert documents for negotiations with the Republic of Hungary in accordance with the Declaration of the Government of the Slovak Republic.

For action by:

the prime Minister and the Plenipotentiary of the Government of the Slovak Republic for the construction and operation of the Gabčíkovo-

Nagymaros Project.

<u>Co</u>:

Prime Minister of the Government of the Czech and Slovak Federal

Government.

Annex to Resolution of the Government of the Slovak Republic No. 329/1992

DECLARATION

of the Government of the Slovak Republic

on the Resolution of the Government of the Hungarian Republic of May 7, 1992 to terminate the Treaty between Czechoslovakia and Hungary concerning the construction and operation of the Gabcikovo-Nagymaros System of Locks.

The Government of the Slovak Republic received with surprise and information on the Resolution of the Government of the Hungarian Republic of May 7, 1992 which states the intention to terminate unilaterally of the Treaty of 1977 between Czechoslovakia and Hungary concerning the construction and operation of the Gabcikovo-Nagymaros System of Locks.

The Government of the Slovak Republic considers this decision of the Government of the Hungarian Republic as legally null and void because the interstate Treaty of 1977 does not contain any provisions regarding its unilateral termination. The said Treaty can be terminated or amended only by agreement of both Parties to the Treaty. The Government of the Czech and Slovak Federal Republic and the Government of the Slovak Republic have emphasized repeatedly that they consider the interstate Treaty of 1977 in force.

The Government of the Slovak Republic does not agree with the ultimatum contained in the Resolution of the Government of the Hungarian Republic to hold talks by May 15, 1992 only on the suspension of work on the construction of the Project on the Czechoslovak territory for the period of 6 months. This work is inevitable due to the position of the Hungarian side up to this time. The reasons for this work are explained in the letter from the Prime Minister of the Czech and Slovak Federal Republic to the Prime Minister of the Republic of Hungary of April 23, 1992. The text of this letter was approved by the Government of the Czech and Slovak Federal Republic in its Resolution No. 296 of April 16, 1992.

The Government of the Slovak Republic considers it useful to continue in negotiations with the Hungarian side on the implementation of the Treaty of September 16, 1977 and to consider the offer of the European Communities to establish a commission of experts.

Bratislava, May 11, 1992

(Translation)

Hungarian Note Verbale of 19 May 1992

NOTE VERBALE

The Ministry of Foreign Affairs of the People's Republic of Hungary expresses its high esteem to the Embassy of the Czech and Slovak Federal Republic in Budapest and invites the honored Embassy to forward the 19 May 1992 letter of Mr. Jozsef Antall, the Prime Minister of the Republic of Hungary to Mr. Marian Calfa, the 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.

The Government of the Republic of Hungary invested with power by the Parliament of the Republic of Hungary, hereby terminates the 16 September 1977 Treaty signed in Budapest between the People's Republic of Hungary and the Czechoslovakian Socialist Republic concerning the construction and commencement of operation of the Bos-Nagymaros Barrage System, and furthermore terminates all agreements concluded by the Parties or their authorities for the implementation of the above mentioned Treaty, effective 25 May 1992.

The Ministry of Foreign Affairs of the Republic of Hungary seizes the opportunity to assure the Embassy of the Czech and Slovak Federal Republic of its high appreciation.

Budapest, 19 May 1992.

(Translation by Hungary)

Letter of 19 May 1992 from the Hungarian Prime Minister to the Czechoslovak Prime Minister 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 date 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 spirit made itself felt in the appendix to your letter, which contained a planned joint response to the European Community's offer of cooperation.

I am forced to determine that the Federal Government did not agree with the Hungarian Government's request 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 parmer create a finished situation by way of unlawful work during the course of negotiations.

Evaluating your letter, the Hungarian Government, during its meeting of 7 May 1992, determined that the Czecho-Slovak Government is unable to accept the request for a moratorium and is not prepared to fulfill, in full, the conditions for cooperation set forth by the European Community, which desires to assist, thus

thwarting the opportunity for hopeful negotiations towards united action. Therefore, the Government of the Republic of Hungary passed a Decision as to the termination of the 1977 Interstate Treaty Regarding the Bos-Nagymaros Barrage System, effective 25 May.

Led by an intent to cooperate and by the desire to maintain a constructive atmosphere at the Visegrad 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 Camogursky, the Plenipotentiary of the Federal Government responsible for the Bos-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 in question. We were forced to doubt this intent when Mr. Jan Camogursky 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. Strengthening this, the Government of the Slovak Republic passed a Resolution during its extraordinary meeting of 11 May.

After all of this, I welcomed, with hope of joint action reborn, the press statement released subsequent to the meeting of the Federal Government of 14 may which placed the possibility of the suspension of work on the provisional solution during the course of the work of a trilateral commission. It was with disappointment that I had to accept, however, your official statement, from which the preparedness to suspend work was left out. This put a permanent close to our efforts to come to a joint agreement as to the Interstate Treaty of 1977, 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 Bos-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 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 as to 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 promisingly developing cooperation 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 unfavorable effect upon regional cooperation, either.

In the spirit of the aforementioned, I would like to emphasize 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 defense 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,

Jozsef Antall

CZECHOSLOVAK NOTE VERBALE OF 22 MAY 1992

(Translation)
No. 1588/92

Note verbal

The Embassy of the Czech and Slovak Federal Republic in Budapest presents its compliments to the Ministry of Foreign Affairs of the Republic of Hungary and has the honour to acknowledge the receipt of the latter's note No. 365-69/92 of May 19, 1992.

Having examined the contents of the above Note and the Declaration of the Government of the Republic of Hungary of May 16, 1992, the Government of the Czech and Slovak Federal Republic reaffirms its position that the Republic of Hungary has no legal grounds to unilaterally terminate 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 of September 16, 1977 and the treaty documents related to it. Therefore the Note of the Ministry of Foreign Affairs of the Republic of Hungary of May 19, 1992 cannot have any legal effects on the 1977 Treaty and the treaty documents related to it.

After a thorough and comprehensive examination of all documents handed to it, the Government of the Czech and Slovak Federal Republic at the same time reserves the right to comment in detail on the individual arguments presented by the Government of the Republic of Hungary, including the question of compensation for damage caused to the Czech and Slovak Federal Republic by the failure of the Republic of Hungary to fulfil its treaty obligations.

The Embassy 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.

Budapest, May 22, 1992

Ministry of Foreign Affairs
of the Republic of Hungary
Budapest

LETTER FROM THE CZECHOSLOVAK VICE-PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS TO THE VICE-PREIDENT OF THE COMMISSON OF THE EUROPEAN COMMUNITIES

Translation

Prague, May, 22 1992

Dear Mr. Vice-President:

Allow me to inform you about the latest developments concerning the complicated issue of the Gab@ikovo-Nagymaros system of locks, following up on our earlier correspondence.

Let me first express my appreciation for the effort of the Commission of the European Communities and of you personally to establish a Committee of Independent Experts which would consider all specific aspects associated with the implementation of the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gabcikovo-Nagymaros System of Locks, with the objective of finding a solution to both parties.

I regret to say that the possibility of finding a solution to the acceptable has been considerably complicated by the problem on the Hungarian Republic which officially informed the Czech and Slovak Federal Republic on May 19, 1992, that as of May 25, 1992, it intends to unilaterally "terminate the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gabcikovo-Nagymaros System of Locks of September 16, 1977 and treaty documents related to it".

The Government of the Czech and Slovak Federal Republic believes that the Hungarian Republic has no legal grounds for terminating the Treaty on the Construction and Operation of the Gabcíkovo-Nagymaros System of Locks of September 16, 1977. The Note of the Hungarian Republic, of May 19, 1993, therefore has no legal effects on the validity of the treaty documents concerning the Gabcíkovo-Nagymaros System of Locks.

In this connection, Mr. Vice-President, please allow me to convey the opinion of the Czechoslovak Government that the conflict can be resolved on the basis of the 1977 Treaty. I do not see a solution in submitting drafts of new treaties but rather in negotitions on the basis of existing traty documents in force. The Czech and Slovak Federal Republic is prepared to demonstrate an appropriately forthcoming and flexible attitude.

H.E. Mr. Frans Andriessen

Vice-President Commission of the European Communities Brussels

- 2 -

High Czechoslovak representatives have already indicated a wilingness to discuss conditions under which work on the substitute technical solution (option C) might be suspended.

I am convinced that the great prestige enjoyed by the European Communities both in Czechoslovakia and in Hungary will allow further assistance and good offices of your Commission to contribute to an acceptable solution.

Yours sincerely,

(Signed) Jirí Dienstbier

Ambassador of the Czech and Slovak Federal Republic

To: Mr. G.Strasser
Director of the Secretariat
of the Danube Commission
Budapest

Budapest, August 5, 1992

Dear Mr. Director.

In the framework of the construction of objects "Introducing the Temporary Exploitation of the Gabcikovo Water Works on the Territory of the Czech and Slovak Federal Republic". the construction of the object Damming of the Danube river is taking place.

In connection with that and in accordance to the Resolution of the 45th Session of the Danube Commisssion N DK/SEC 45/27 we informulyou. That because of the above mentioned construction, work to damming the Danube river on 759th km of the river will begin on October 15, 1992. According to the agreed plan of construction of this object it will be necessary to interrupt shipping on the Danube for approximately 10 days in the period beginning October 15 untill November 30, 1992. The exact date will be announced to the Secretariat of the Danube Commission not later than by 15 days prior to the beginning of the interruption of navigation.

During the damming of the Danube river, after the flood stage of 128.0 m above the sea level is reached, navigation will be transferred to the by-pass canal and to the locks of the Gaboikovo Water Works.

During the mentioned recouting of the shipping, the necessary navigation equipment will be ready for exploitation, including locks of the Gaboikovo Water Works—and also navigation conditions.

I am asking you a favour to let all the representatives of the Danube Commission and countries and governments of other Danube states know my information with the aim of informing the competent institutions and organizations in due time.

Sincerely.

Representative of the Czech and Slovak Federal Republic in the Danube Commission

R. Chmel

LETTER FROM THE CZECHOSLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Prague, August 6, 1992

Dear Prime Minister,

Referring to your letter of May 19, 1992, I must note that you have not been responsive to the suggestions contained in the letter of the Prime Minister of the Czech and Slovak Federal Republic of April 23, 1992. I expected that the Hungarian Government would appreciate our readiness to hold talks on a solution respecting the interests of both our countries as regards the inter-state Treaty on the Construction and Operation of the Gab@ikovo-Nagymaros System of Locks. However, the Government of the Republic of Hungary decided to unilaterally terminate as of May 25, 1992 the 1977 Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gab@ikovo-Nagymaros System of Locks and all agreements related to its implementation.

The disappointment of the Government of the Czech and Slovak Federal Republic at this unilateral step by the Hungarian Government was further multiplied by the fact that your Government took it at a moment when the diplomatic activities of the EC Commission to create a trilateral expert commission for a comprehensive assessment of technical aspects connected with the construction and operation of the Gab@ikovo-Nagymaros system of locks were nearing their objective.

In this connection I would like to point out that the Government of the Czech and Slovak Federal Republic welcomed these activities at its session of May 14, 1992, appointed a

Mr Jozsef Antall
Prime Minister of the Republic of Hungary
Budapest

delegation to the Vienna talks and gave it a broad mandate for reaching a reasonable solution. Besides, as you mention in your letter, the Prime Minister of the Czech and Slovak Federal Republic outlined in his press statement the readiness to discuss the conditions of stopping work on the substitute technical solution.

Dear Mr Prime Minister,

The Government of the Czech and Slovak Federal Republic has examined the Declaration of the Government of the Republic of Hungary of May 16, 1992 and entrusted me to communicate to you that, reaffirming its position, the Government of the Czech and Slovak Federal Republic is of the opinion that the Republic of Hungary has no legal grounds for terminating the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gab@ikovo-Nagymaros System of Locks signed in Budapest on September 16, 1977 and all treaty documents related to it. Therefore the decision of the Hungarian Government to terminate the 1977 Treaty and all treaty documents related to it has not the legal effects on the validity of the 1977 Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on the Construction and Operation of the Gab@ikovo-Nagymaros System of Locks and all treaty documents related to it as assumed by the Government of the Republic of Hungary.

At the same time, after a thorough and allround examination of all related documents of the Hungarian Government in which it justifies its decision, the Government of the Czech and Slovak

Federal Republic reserves itself the right to comment in a detailed manner not only on the individual arguments of the Government of the Republic of Hungary but also on the question of compensation of damage caused to the Czech and Slovak Federal Republic by the failure of the Republic of Hungary to have fulfilled and fulfil its treaty obligations.

Dear Mr Prime Minister.

In view of the continued great interest of the Government of the Czech and Slovak Federal Republic in preventing any further escalation of the problem of the system of locks as well as in the continuation of the bilateral or multilateral dialogue of the Czech and Slovak Federal Republic and the Republic of Hungary, I have entrusted the Minister of Foreign Affairs of the Czech and Slovak Federal Republic to request once again the EC Commission to provide further assistance in seeking a reasonable compromise solution to the present situation.

I am convinced with good will and willingness to cooperate, the situation can be resolved through negotiations based on the 1977 Treaty and other related treaty documents in force. The Czechoslovak side is prepared to do its best in the interest of success of such talks.

Please, accept the assurances of my high consideration.

(Signed) R. Filkus

Two letters dated 17 August 1992 from the Hungarian Representative on the Danube Commission to the Commission

Monsieur Ion Diaconu Ambassadeur Président de la Commission du Danube BUDAPEST

Monsieur le Président,

Je voudrais attirer votre attention sur l'enjeu international de l'intention unilatérale du détoumement prévu du traffic sur le Danube au km 1 851.7, intention contenue dans le document tchéco-slovaque qui a été distribué aux paysmembres concernés par le secrétariat de la Commission du Danube avec sa lettre No CD276/VIII-1992.

A la 49ème et à la 50ème sessions de la Commission du Danube les délégations hongroise et trhéco-slovaque ont informé, d'une façon détaillée, les pays-membres sur l'état des négociations bilatérales sur le secteur du Danube en question.

La Commission a pris position, à mutes les deux sessions, dans le sens qu'une solution satisfaisante pour tous les pays denubiens devait être trouvée dans ces négociations bilatérales.

Ces négociations n'ont pas, malheureusement, abouti jusqu'à ce jour, à des résultats souhairés, mais le principe d'une solution par les négociations reste toujours à l'ordre du jour.

C'est pour cette raison que nous avons pris connaissance avec une grande surprise de l'intention de la partie tenéco-slovaque de prendre, en ignorant les traditions qui existent parmi les membres de la Commission du Danube, une mesure unilatérale. Elle fait ce pas dans un temps quand toutes les possibilités des négociations n'ont pas encore été épuisées.

Le gouvernement hongrois demande le soutien unanime des pays-membres de la Commission du Danube pour que la solution satisfaisante pour toutes les deux parties, pour ce secteur du Danube aussi, soit characterisée par la bonne volouté et par l'accord commun.

Ci-joint je vous fais parvenir, Monsieur le Président, la copie de la leure que j'ai envoyée à ce sujet au Vice-Président de la Commission du Danube, à M. l'Ambassadeur Rudolf Chinel.

Je vous prie, Monsieur le Président, de hien vouloir fair parvenir le contenu de ma lettre à tous les pays danubiens concernés.

Veuillez agréer, Monsieur le Président, les assurances de ma hante considération.

Budapest, le 17 août 1992

Table from

Ivan Bába
Représentant de la République de Hongrie
à la Commission du Danube

Monsieur Rudolf Chmel Ambassadeur Vice-Président de la Commission du Danube BUDAPEST

Monsieur le Vice-Président.

l'ai bien reçu votre lettre du 5 aout dernier dans laquelle en tant que représentant de la République fédérative tchéque et slovaque à la Commission de Danabe, vous m'avez informé de l'entrée en vigeur de l'interruption de navigation sur le Danabe liée à la mise en exploitation temporaire du barrage de Gaberkovo.

La parcie hongroise attire l'attention sur le fait que l'interruption est liée aux travaux des constructions contre la mise en exploitation desquelles le gouvernement hongrois a plusieurs fois officiellement protesté.

La mise en exploitation planifiée de la construction au lit du Danube qui barre son cours et du canal de dérivation, comme vous en êtes conscient, touchent sérieusement aux intérêts de la Hongrie. Je vous prie M. l'Ambassadeur de nous renseigner, le plus tot possible, par voie diplomatique sur les charactéristiques techniques de l'ouvrage barrant le Danube, ainsi que sur le régime de fonctionnement prévu du canal de dérivation et du barrage de Gabeikovo.

Je vous prie également de nous fournir les renseignements sur la façon dont la partie tchéco-slovaque comprend le charactère temporaire de la mise en exploitation des constructions sus-mentionnées.

Pour le gouvernement hongrois toutes mesures unilatérales concernant le secteur commun du Danube sont inacceptables, car il est convaincu qu'une solution convenable pour toutes les œux parties est encore possible par des négociations bilatérales.

Budapest, le 17 aout 1992.

(Ivan Bába)

Représentant de la République de Hongrie à la Commission du Danube

title he

(Translation by Hungary)

Letter of 18 August 1992 from the Hungarian Prime Minister to the Prime Minister of Czechoslovakia

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 Gabcikovo -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 harmonized. 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 Gabcikovo 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 authorization 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 Gabcikovo -Nagymaros Barrage, to accept a resolution wich is reasonable for both parties. However, I regrettfully 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 recognizing 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 cooperation 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 Cooperation.

. Please accept my kind regards.

Many thanks, Jozsef Antall

LETTER OF 14 SEPTEMBER 1992 FROM THE HUNGARIAN MINISTER OF FOREIGN AFFAIRS TO THE CZECHOSLOVAK MINISTER OF FOREIGN AFFAIRS

/Translation/

Budapest, 14 September 1992

Dear Foreign Minister.

It became unambiguous at the meeting of Prime Minister József Antall and Vladimír Mečiar which took place in Budapest on 9 September 1992 that we must clarify the manner of settling our problems concerning the Project. Prime Minister József Antall set forth in his letter to Prime Minister Jan Strásky, 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 Ministers agreed at the Budapest meeting that preparatory negotiations between the Hungarian, the Czechoslovak and the Slovak Governments should start with the aim of preparing a joint submission of the case to the International Court of Justice, establishing a trilateral committee of experts on ecological and environmental protection with the involvement of EC experts, in order to coordinate our steps in these matters.

I propose that the plenipotentiaries of our governments start negotiations to harmonize the details of the two issues above. The governmental delegation of the Republic of Hungary is ready to hold bilateral negotiations immediately either in Budapest or in Prague with the representatives of the Czech and Slovak Federal Republic.

I suggest that the details be elaborated at the negotiations on expert-level if you agree with the above in principle.

With regards,

/Signed/ Géza Jeszenszky

Mr. Jozef Moravčík Minister of Foreign Affairs of the Czech and Slovak Federal Republic Prague LETTER FROM THE CZECHOSLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Prague, September 23, 1992

Dear Prime Minister,

Thank you for your letter of August 18, 1992. With regard to its contents, let me inform you of the following.

Throughout the whole period of construction of the Gab@ikovo - Nagymaros system of locks, the Government of the Czech and Slovak Federal Republic abode by the provisions of the 1977 Treaty still in force as well as by all documents related to this Treaty, and was always ready, without laying down any preliminary conditions, to discuss all questions over which the Hungarian side expressed certain fears. The Czechoslovak side naturally expected the Hungarian side to give at least in principle reasons for these fears and support its misgivings with concrete evidence. However, it has never done so. In accordance with the 1977 Treaty, these questions are to be dealt with by Plenipotentiaries of both Governments. However, the initiatives of the Plenipotentiary of the Government of the Czech and Slovak Federal Republic have met with no response on the part of his Hungarian counterpart.

In my letter of August 6, 1992, I stated the position of the Government of the Czech and Slovak Federal Republic on both the decision of the Government of the Republic of Hungary to unilaterally terminate the 1977 Treaty and treaty documents related to it as well as to the reasons of the Government of the Republic of Hungary in making such a decision. I would only like to underline that the Government of the Czech and Slovak Federal Republic was prepared for talks on the establishment of a trilateral expert commission and its delegation had a mandate broad enough for negotiating a solution acceptable for both sides.

Mr József Antall Prime Minister of the Republic of Hungary B u d a p e s t

In the letter of the Prime Minister of the Czech and Slovak Federal Republic, the Hungarian side was also informed of the position of the Czech and Slovak Federal Republic on the realization of the so-called Variant C. I would only like to recall that this provisional technical solution does not obstruct the achievement of objectives agreed upon in the 1977 Treaty and that it is mainly aimed at minimizing damage caused to the Czech and Slovak Federal Republic by the unlawful action of the Hungarian side ever since May 13, 1989. Moreover, I consider it imperative to stress in connection with the realization of Variant C that it has never reckoned with and does not reckon with "diverting the Danube" as you have stated in your letter. It only concerns the exploitation of part of the Danube waters as anticipated in the 1977 Treaty. For these reasons Variant C can in no way jeopardize territorial integrity of the Republic of Hungary.

In conclusion of your letter you propose that the dispute between our states concerning the Gab@ikovo - Nagymaros system of locks be referred to the International Court of Justice in The Hague.

I wonder what this proposal means for the negotiations still in progress on using the good services or possibly the mediation by the EC Commission in settling the above mentioned dispute.

Let me use this opportunity to recall that at talks of Government Delegations held as early as on July 15, 1991 the Czechoslovak side came to the conclusion that no positive results will be achieved at the level of bilateral talks and therefore proposed the participation of the EC Commission in settling the dispute. The Government of the Republic of Hungary which originally turned down this proposal began in December 1991 making it subject to the fulfilment of certain preliminary conditions. In May 1992, we were very close to reaching an

agreement on involvement of the EC Commission in settling the dispute. We were therefore disappointed by the decision of the Hungarian side not to take part in trilateral talks in Vienna, with the participation of the EC Commission, scheduled for May 18, 1992.

In spite of all difficulties which have so far not been overcome, the Czechoslovak side remains convinced that a mutual agreement on ways of settling the dispute through the mediation of the EC Commission is the question of the not-too-distant future. You have reassured me of this in your letter of August 6, 1992 in which you confirmed that "EC experts should participate in the joint work". Therefore I do not understand whether your letter of August 18, 1992 means that the Czech and Slovak Federal Republic should consider the proposal for referring the dispute to the International Court of Justice a full stop after talks on using the good services of the EC Commission. Should the letter in fact be meant like this, then the proposal is a step backwards within the efforts to find such a way of be solving the dispute which would be acceptable for both sides. It would then mean that the results so far reached at talks between the two sides and the EC Commission would be marred. It would mean in fact the opening of new talks on referring the dispute to the International Court of Justice in the Haque without any reason for hope that these new talks would be easier the those held so far. The process of seeking means of settlement of the dispute would thus again be prolonged, and damages caused to the Czech and Slovak Federal Republic by the course taken by the Hungarian side would contime to increase.

The Government of the Czech and Slovak Federal Republic has a high regard and respect for the International Court of Justice and is confident of the impartiality of its decisions.

Nevertheless, at present, when time is a very important factor, it considers the conclusion of talks on the participation of the EC Commission in settling the dispute as urgent. More over a trilateral commission (the Czech and Slovak Federal Republic, the Republic of Hungary and the EC Commission) can consider also

other than legal aspects of the problem - particularly the ecological navigational and economic ones. The conclusions of certain research work done in the Czech and Slovak Federal Republic over the recent past are based on partial results of the PHARE program concentrating on monitoring ground water in the Danubian Basin. Experts from some EC countries are participating in its elaboration. These results can be used for considering the ecological aspects so much stressed by the Hungarian side.

According to a letter by the Vice-President of the EC Commission, Frans Andriessen, addressed to the Minister of Foreign Affairs of the Czech and Slovak Federal Republic, Jozef Morav@ik, on July 30, 1992, the EC Commission remains ready to assist our states in settling the Gab@ikovo - Nagymaros dispute. The EC Commission however, expects our states to agree on the extent of the mandate of the trilateral commission, including the EC Commission. I therefore propose that experts of both our Governments meet as soon as possible to speedily prepare a joint request addressed to the EC Commission.

I avail myself of this opportunity to assure you, Dear Mr. Prime Minister, of my high consideration.

(Signed) Ján Strásky

MINISTER OF FOREIGN AFFAIRS OF THE CZECH AND SLOVAK FEDERAL REPUBLIC Josef MORAVČÍK

Prague, September 23, 1992

Dear Mr. Minister,

Thank you for your letter of September 14, 1992 containing proposals for the further course of action in settling the dispute over the Gabčíkovo-Nagymaros system of locks.

The position of the Czech and Slovak Federal Republic on these proposals will be explained in the coming days in a reply by Federal Prime Minister Mr. Jan Stráský to the previous letters by Prime Minister Mr. József Antall.

Basically, the Czechoslovak position includes an offer to hold, as soon as possible, a meeting of experts of the Governments of the Czech and Slovak Federal Republic and the Republic of Hungary aimed at a speedy preparation of a joint request to the EC Commission for providing assistance in resolving the dispute.

The idea of using the services of the International Court of Justice actually means prolonging the process of seeking a suitable means of resolving the dispute and all this at a moment when time is a very important factor.

After you familiarize with the detailed position of the Czech and Slovak Federal Republic explained in the letter by Prime Minister Mr. Stráský, I would welcome your reaction so that we could attempt to jointly revive the process of negotiations as soon as possible.

Sincerely yours,

(Signed) Moravčík

Mr. Geza Jeszensky

Minister of Foreign Affairs of the Republic of Hungary

LETTER OF 28 SEPTEMBER 1992 FROM THE HUNGARIAN PRIME MINISTER TO THE CZECHOSLOVAK PRIME MINISTER

/Translation/

Dear Prime Minister,

I was grateful to receive your letter dated 23 September 1992. I must conclude with regret that the position of the Federal Government remains unchanged subsequent to a thorough consideration of the Declaration of the Government of the Republic of Hungary of 19 May 1992. In the meantime the work on the provisional solution is near completion which will lead to the unilateral diversion of the Danube threatening the sovereignty and territorial integrity of the Republic of Hungary.

In connection with the extensive unilateral work being carried out on Czecho-Slovak territory I would like to emphasise that the Government of the Republic of Hungary was compelled to terminate the interstate Treaty of 1977 due to the serious ecological perils created by putting the planned project into operation, and recommended that negotiations begin on the conclusion of a new interstate treaty.

I would like to emphasise my regret by mentioning that despite the basic difference of opinion in the legal assessment of this issue the Czecho-Slovak Federal Government refuses to accept my recommendation and under the present circumstances is unwilling to submit a joint request to the International Court of Justice at The Hague. In my opinion, the settlement of the predominantly legal problems existing between our countries may be achieved by having recourse to the International Court of Justice at The Hague which would be in complete harmony with European values. This is precisely why my Government will not relinquish its efforts to submit the points of dispute to the International Court of Justice at The Hague as soon as possible.

Mr. Jan Strásky Prime Minister of the Czech and Slovak Federal Republic Nevertheless, I agree with you that the interstate dispute has several aspects which could be jointly assessed of through the establishment of a trilateral expert committee including European Communities specialists. I naturally acknowledge that the body should be established and operated within the framework and conditions determined by Mr. F. Andriessen, the Vice-President of the European Communities Commission.

I accept threfore your recommendation that the specialists of our governments prepare, as soon as possible, joint request to be sent to the European Communities Commission and reach an understanding concerning the mandate of the planned trilateral committee.

With regard to our mutual desire for the involvement of the European Communities I recommend that we commission the foreign under secretary of state and the deputy minister of foreign affairs with the supervision of the negotiating delegations.

The Hungarian delegation is prepared to travel to Prague on 30 September 1992. I recommend that further details be communicated through our embassies.

Please accept my sincere regards.

Budapest, 28 September 1992

(Signed) József Antall

Letter of 30 September 1992 from the Vice-President of the E.C. Commission to te Czechoslovak Foreign Minister

T. OV. J. J. Stordriesson Him Besidnes of the Commission all the European Communities

1049 Etrasteli Rav La bia Loi 200 Gob 235.38.92 -

3 0. VII. 1992

Sir,

Please allow we to congratulate you on your recent appointment as Foreign Minister of the Czech and Slovak Federal Republic. If trust that we will be able to continue the good cooperation between Czechoslovakia and the Community, which has continuously expanded and deepened in the past few years.

I would like also to take this opportunity to refer to the latter sent by your predecessor Mr. Diensthier of May 22 last in which he informed me about the latest developments concerning the cabellagous Magymeres system of locks.

I have taken careful note of your government's position that the Republic of Hungary has no legal basis for terminating the treaty which it concluded with Czechoslovakia in 1977 and that the issues should be sattled on the basis of this treaty. In the same wern i have noted your country's readiness to discuss the conditions under which works on the so-called "C-option" might be interrupted, as well as your belief that the good offices of the European Commission may contribute to a mutually acceptable solution of the matter.

Regarding this latter point I would like to inform you that, also in the new situation which has now arisen; the European Commission would remain ready to try to contribute to a mutually satisfactory solution of the matter. I continue to feel, however, that the Commission can only take concrete decisions in this respect on the basis of one joint recuest from the two parties concerned or, if that really is not possible, on the basis of two similar requests. At the same time the other two conditions outlined in my letter of 13 April last would have to be fulfilled as well in order for the Commission to be able to lend its support.

Yours sincerely.

His Escaliancy
Mr. Jozef MORAYCIK.
Minister of Foreign Affairs of the
Crech and Slovak Federal Republic
PRASUS

LETTER FROM THE CZECHOSLOVAK PRIME MINISTER TO THE HUNGARIAN PRIME MINISTER

(Translation)

Prague, October 2, 1992 Ref.No. 2088/92-PV

Dear Prime Minister,

I have received your letter of September 28, 1992 and welcomed the fact that you have accepted, without any preliminary conditions, the proposal for opening talks of experts of our Governments aimed at preparing a joint request to the EC Commission as well as the mandate for the trilateral commission, as it corresponds to our previous proposals.

In view of the fact that I received your letter on September 29, 1992, the date you proposed is not realistic. However, I believe that a new date for talks will soon be agreed through diplomatic channels.

As regards the other issues dealt with in your letter, I would like to point out the following:

The realization of the provisional technical solution does not involve the diverting of the Danube but only the exploitation of part of the Danube waters in a way envisaged in the 1977 Treaty. The provisional technical solution project is built only on the territory of the Czech and Slovak Federal Republic and does in no way affect the state border line. Therefore I do not agree with your claim that it jeopardizes the sovereignty and territorial integrity of the Republic of Hungary. The Czechoslovak side has been undertaking on its territory only has Mr. József Antall Prime Minister

of the Republic of Hungary

Budapest

been agreed upon in the 1977 Treaty and the treaty documents related to it. As soon as the Republic of Hungary resumes the fulfilment of its obligations arising from the 1977 Treaty, the Czech and Slovak Federal Republic is ready to complete the Gab@ikovo-Nagymaros system of locks on the basis of the jointly agreed plan.

The position of the Government of the Czech and Slovak Federal Republic on the decision of the Government of the Republic of Hungary to terminate unilaterally the 1977 Treaty and the treaty documents related to it as well as on the reasons which made the Government of the Republic of Hungary to take such decision is included in my letter of August 6, 1992. The Government of the Czech and Slovak Federal Republic considers all the above-mentioned treaty documents still in force.

Dear Mr Prime Minister, I am afraid that the reasons for the position of the Government of the Czech and Slovak Federal Republic as regards your proposal for referring the dispute to the International Court of Justice in The Hague contained in my letter of September 23, 1992 were not understood quite well. At present when time is a very important factor, I consider it imperative to accomplish above all talks on the participation of the EC Commission in the settlement of the dispute. The opening of new talks on referring the dispute to the International Court of Justice in The Hague would mean marring the results of the talks held so far between the two sides and the EC Commission. Under Czechoslovak Constitution the procedure for consideration and approval of the proposal for referring the dispute to the International Court of Justice is very time-consuming.

I avail myself of this opportunity to assure you, Dear Mr Prime Minister, of my high consideration.

October 22, 1992

Aide Memoire of the CSFR Delegation

regarding the talks of the delegations of the Czech and Slovak Federal Republic, the Hungarian Republic and the Commission of the European Communities on the establishment of the Tripartite Expert Commission in Brussels, on October 22, 1992.

The Czech and Slovak Federal Republic takes commitment that until the completion of the work of the Tripartite Commission it will not divert the flow of the Danube river from its present main riverbed, and all the measures which are now under way on the territory of the CSFR will ensure that the whole natural flow of the Danube will pass through the old riverbed. In comparison with the present state the hydrological conditions in the border section of the river will not be changed.

Measures taken presently by the CSFR cannot be considered as definite damming of the river. It will serve only to shift the navigation line to the bypass canal. At the present situation it is possible either to transfer the navigation line as mentioned above or to remove all preparatory structures in the river. This would take four months/under favourable climatic conditions, including taking of necessary flood-protection measures. During this time the navigation would have to be completely stopped.

The CSFR at the same time confirms that in the case the findings of the Tripartite Commission prove that the Gabcikovo Project has a significant adverse impact on the environment, it has all the technological means and necessary know-how to remedy structures and installations designed for the shifting of navigation line.

The Statement of the Ministry of Poreign Affairs of the Slovak
Republic Concerning the Gabčíkovo-Nagymaros Project.

The Ministry of Foreign Affairs of the Slovak Republic, after the unsuccessful termination of the negotiations of the tripartite commission in Bruseels, fulfilling the resolutions of the Government of the Czech and Slovak Federal Republic concerning the construction of the Gabčíkovo-Nagymaros Project states that at present situation, under the pressure of technical and ecological circumstances the Czecho-Slovak side is forces to continue the implementation of the temporary alternative solution the Czecho-Slovak territory. During these days, under favourable hydrologic conditions, the Danube water level is impounded enough to create conditions for the displacement of the navigation into lateral canal of the Gabčíkovo-Nagymaros Project. The present stage of the construction does not allow other proceeding because in the case of sudden increase of flow of the Danube, after interruption of works, the navigation on the Danube will be interrupted for a long time, and extensive economic damage would be caused.

The structure of the temporary solution enables to discharge the whole natural flow into the Danube, and thus to avoid the impact on the border section and the territory of the Hungarian Republic. The canal will be filled to such an extent that will create navigable conditions from November 4, 1992, in accordance with the international standards binding for the CSFR.

In the present situation, additional very important towardcoming step of the CSFR is its offer temporarily not to operate the Gabčíkovo Power Station. In this way, the conditions for the work of the tripartite commission with the participation of the experts of the European Communities have been created.

The Ministry of Foreign Affairs of the Slovak Republic stresses that by a such proceeding no irreversible situation will be created. At the same time, the Ministry reminds that the Czecho-Slovak side continues to register all damage caused by the violation of the tretay obligations by the Hungarian Republic. That damage represents daily a sum surpassing 20 mil Kčs. Nevertheless, the Czecho-Slovak side is willing to open the space for further negotiations on the Gabčíkovo-Nagymaros Project.

The Ministry of Foreign Affairs of the Slovak Republic is deeply convinced that the present situation is being unnecesseraly dramatized, while unavoidable technical solutions are being presented as fatal political events. The Ministry believes that it will find understaning with the Hungarian side which will accept the factual assessment of the whole problem.

Bratislava, October 24, 1992

Agreed Minutes of the Meeting between the European Commission, the CSFR and Hungary on 28th October 1992 on the Gabčíkovo-Nagymaros Project

Agreed Minutes of the Meeting between the European Commission, the CSFR and Hungary on 27th October 1992 on the Gabcikovo/Nagymaros Project.

It was agreed that all works on variant C of the Gabcikovo/Nagymaros project will be stopped at a date specified by the EC Commission on the basis of the fact finding mission composed of one expert from each side (Commission, CSFR and Hungary), taking into account the risk of damage to existing structures including navigation, of ecological damage to the region and of flooding (Spring 1993 or sudden surges). The mission shall report as soon as possible, but not later than Saturday October 31st at 12 noon.

The CSFR undertakes to guarantee to maintain the whole* traditional quantity of water into the whole old Danube riverbed, including the section between Rajka and Palkodicobo, and to refrain from operating the powerplant.

- A working group of experts shall be set up immediately, consisting of three experts nominated by the European Commission, assisted by one expert appointed by Hungary and the CSFR each. The three Commission experts shall be specialists in respectively environmental matters, hydrology and water architecture.
- 3) The task of the working group will be to:
 - i) make an on-site inspection of the structures of variant C;
 - ii) assess the need and urgency of these structures in the light of the potential flooding risk, including the risk of causing damage to already constructed parts;
 - iii) assess the immediate consequences/impacts of these structures relating to:
 - * environment;
 - * hydrological and water management aspects;
 - * navigation, and
 - iv) assess the reversibility of these structures and assess the cost for restoring the status quo ante, i.e., the situation existing prior to the construction of the dam.

The group will report its findings to the Trilateral Meeting to be held in Brussels on a date to be agreed by the three parties (within 15 days), and make suggestions on urgent measures to be taken. The findings shall not prejudice the evidence produced within the context of the legal procedures described under paragraph 4 below.

8) Both the CSFR and Hungarian delegations expressed their commitment to submit the dispute connected with the Gabcikovo/Nagymaros project with all its aspects, including legal, financial and ecological elements, to binding international arbitration or to the International Court of Justice.

	International Court of Justice.	
5}	This agreement does not prejudge the lega	I rights of the parties.
For	This agreement does not prejudge the lega the Czech and Slovak Federation Delegation	Sof / Nel
For	the Hungarian Delegation	47
For	the European Commission	

Mr Frans Andriessen

Vice-President

of the Commission of

the European Communities

Brussels

(Translation)

Prague, November 4, 1992

Dear Mr Vice-President,

Thank you for your letter of October 30, 1992. I have the honour to inform you that the Government of the Czech and Slovak Federal Republic has discussed and approved the Minutes of the meeting of representatives of the European Communities, the Czech and Slovak Federal Republic and the Republic of Hungary held in London on October 28, 1992.

As regards the question of stopping work on the Variant C and the maintaining of waters in the original riverbed of the Danube, the Czech and Slovak Federal Republic will respect the positions of the fact-finding mission and the expert working group which will be an important means of interpretation of the commitments arising from the Minutes.

In connection with point 4 of the Minutes, the Government of the Czech and Slovak Federal Republic will apply to the

Government of the Republic of Hungary with a proposal for opening negotiations on a compromise in tune with Article 40 of the Statutes of the International Court of Justice on the basis of which the two states would jointly submit the dispute over the Gabčíkovo-Nagymaros system of locks to the International Court of Justice.

I avail myself of this opportunity to express to you the assurances of my high consideration,

Agreed Minutes of the meeting between the CSFR, Hungary and the European Commission on the Gabcikovo/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 Gabcikovo-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,

adi pu

For the European Commission Delegation.

COMMISSION OF THE EUROPEAN COMMUNITIES

Agreed Minutes of the meeting between Czechoslovakia, Hungary and the European Commission on the Gabcikovo-Nagymaros project,
Brussels, 10-11 December 1992.

 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 Carget 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 Gabcikovo-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,

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For the Hungarian Delegation,

For the European Commission Delegation,

Signed at Brussels this 11th Day of December 1992.

Nr. 03.05.15/57

Unofficial translation of the letter of the Prime Minister of the Hungarian revolution government János Kádar of November 27, 1957

Comrade V. Široký Prime Minister Prague

Dear comrade Prime Minister,

the governmental delegation of the Hungarian People's Republic and Czechoslovak Republic discussed between July 18 and August 2, 1952 in Budapest the questions of the utilization of water energy on the common section of the Danube. The result of these discussions was the conclusion of an agreement on utilization of water energy on the common section of the Danube between the mouth of the river Morava and Visegrád according to the agreed technical plans.

According to agreement of the design organizations of both countries, the object of the water utilization on the common section of the Danube progressed forward. But the research works and design plans were delayed in the last years and in the meantime a lot of new circumstances which have influenced the previous plans. The questions connected with the construction of the common Czechoslovak-Austrian water work in Wolfsthal belong to such circumstances and the utilization of water energy of the Danube section between Wolfsthal - Nagymaros became a part of the complex utilization of the Danube between Devin and the Black Sea within the Council for Mutual Economic Help (COMECON)

The Permanent Committee of COMECON, dealing with the complex utilization of the Danube considered for necessary in his decision from the negotiations in Moscow on September 10-14, 1957, in connection with the fact that the governments of Hungary and the Czechoslovak Republic verify and agree the basic principles of the utilization of the Danube water energy, that the design organization of both countries would elaborate

together the detailed scheme of the utilization of water energy

in such a way that the economy be guaranteed in the highest possible share.

With regard to the above mentioned facts as well as to energetic economy of both countries and respecting the project of great importance I recommend that the negotiations would take place between governmental delegations with aim to clear the questions of the hydropower plant planned on the Hungarian-Czechoslovak section of the Danube. I recommend further that the commissions nominated by our governments meet for discussions in Budapest in December 1957 or January 1958.

The immediate negotiations are important also for the fact that the Permanent Committee of COMECON, in the question of complex utilization of the Danube, adopts the decision that the design organizations approve the standpoint to the question of the scheme of utilization of the mentioned section of the Danube and the research and design works of the hydropower plant in Visegrád at the negotiations in Prague in December 1957 or later in January 1958. Then the utilization of the water energy of the section of the Danube from the Austrian-Czechoslovak frontier to Viségrad comes to programme, especially the composition of the projects for the hydropower plant in Visegrád. In this connection the standpoint will be the only point of programme at the session of the Permanent Committee of COMECON in July 1958 in Prague which will be dealing with the questions of the complex utilization of the Danube.

The government of the Hungarian People's Republic nominated the commission for the negotiations of the utilization of common section of the Danube. The chief of the delegation is Antal Apró, the deputy president of the Hungarian revolution government. The members of the governmental delegations are: Árpád Kiss, chairman of the State planning office, Imré Degen, chief of the State water management administration, Csenterics Sándor, deputy minister of the heavy industry.

With aim to facilitate the works of the governmental commission I consider for appropriate to establish a common restricted technical commission. I recommend that the technical commission begins to work in Budapest on December 10 - 20, 1957.

The composition of the Hungarian part of the preparatory technical commission is sent directly to the chairman of the

Central office of water management of Czechoslovak Republic by the chief of the State water management administration of the Hungarian People's Republic.

I ask you, comrade Prime Minister, to inform me about your standpoint to my proposal and in case of its adoption, I ask you to nominate the governmental delegation for the representation of the interests of the Czechoslovak Republic.

Budapest, November 27, 1957

János K á d a r
Prime Minister of the Hungarian revolution government

Final protocol

of the results of negotiations of governmental delegations of the Czechoslovak Republic and the Hungarian People's Republic on the utilization of water energy of the Danube in the section between Bratislava and Nagymaros held in Prague on October 6 - 7, 1958

The governmental delegations of the Czechoslovak Republic and the Hungarian People's Republic discussed in Prague on October 6 - 7, 1958 the question of common utilization of water energy of the Danube in the following composition:

Czechoslovak governmental delegation:

Karel Poláček	deputy Prime Minister		
	chief of the delegation		
inž. Otakar Šímúnek	minister-chairman of the State		
	planning office		
inž. dr. Čestmír Š t o l l	I.deputy minister of energetics		
	and water management		
Jozef K e l a r	II. deputy minister of energetics		
	and water management		

<u>Hungarian governmental delegation</u>:

Apró Antal	deputy Prime Minister
	chief of the delegation
inž. K i s s Arpád	chairman of the State planning
	office
inž. Dégen Imre	general director of the
	Administration of water
	management
inž. C s e n t e r i c s Sándor	deputy minister of heavy
	industry
inž. O s z t r o v s z k i Gyorg	y permanent representative of
	Hungary in COMECON

The governmental delegations tried during their negotiations to agree unanimously the plan of a joint construction of water works on the Danube which will guarantee the increasing demands on the production of electrical energy in future as in the Czechoslovak Republic so also in the Hungarian People's Republic.

On the basis of preparatory negotiations up to this time the governmental delegations agreed as follows:

- 1/ a) both governmental delegations basically agree with the common design preparation and common investment construction of water works on the Czechoslovak-Hungarian section of the Danube and consider the common utilization of water energy of the Danube in the section Bratislava-Nagymaros desirable for both states,
 - b) both governmental delegations agree that the construction of water works on the Danube should be included into the prospective plans of the Czechoslovak Republic and Hungarian People's Republic up to 1975,
- 2/ both government delegations agree to start as first construction of the waterwork near Nagymaros in the years 1961 - 1965. With this aim, the Czechoslovak-Hungarian expert commission guarantees to elaborate the Preliminary Project for this water work up to September 1, 1959,
- 3/ both governmental delegations agree that the State planning offices of the Czechoslovak Republic and the Hungarian People's Republic discuss in presence of some members of the Czechoslovak-Hungarian expert commission the optimum time schedule of the construction of water work Nagymaros and submit the agreed plan for the construction of a joint water work on the Danube Nagymaros in 1965 1965 up to October 15, 1959 .

By discussing time schedule and plan of the construction the start of works in 1960 will be taken into account,

4/ both governmental delegations took into account that the results of works of the Czechoslovak-Hungarian expert commission on the utilization scheme of the Danube in the common section had not the sufficient accuracy and completeness and it is not possible to decide with reliability on the utilization scheme of the Danube in the section Bratislava-Nagymaros.

Therefore the Czechoslovak-Hungarian expert commission guarantees the elaboration of more precise and comparative documents (on the same basis) with complex approach for the whole section from Bratislava to Nagymaros in four

variants:

- a) the diversion canal on the left side of the Danube
- b) the diversion canal of the Danube on the right side of the Danube
- c) the diversion canal partially on the left side and partially on the right side
- d) construction of river steps.

The common expert commission evaluates these variants, proposes to the governmental delegations the most appropriate solution and time schedule of the construction of individual water works and submits this documentation up to the end of 1960 to the Soviet design institute Hydroprojekt,

- both governmental delegations agree that the results of works up to this time on the utilization scheme of the common section of the Danube would be handed over to the Secretariat of the Permanent Commission for economic, scientific and technical cooperation in the area of electrical energy so that between the fixed points of the whole scheme, i. e. between the waterwork Wolfsthal-Bratislava and waterwork Nagymaros will be set the scheme according to point 4/,
- both delegations agree that the Czechoslovak-Hungarian expert commission prepares the documents for the proposal on the division of energy between both states as well as on participation in construction of particular water works and investment means and submits them to the government delegations up to March 15, 1959. This measure will not limit the preparation for the construction of waterwork Nagymaros.
- 7/ both governmental delegations agree that first the agreements of both governments are necessary for the construction of the mentioned waterworks.

Done in Prague on October 7, 1958 in two copies in Czech and Hungarian, both having the same validity.

For the Czechoslovak delegation: For the Hungarian delegation: Karel Poláček Apró Antal

Annex 134

(Translation)

Minutes

from talks of experts in international law from the Czechoslovak Socialist Republic and the Hungarian People's Republic on questions of implementation of the 1977 Treaty on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks and Related Documents.

As agreed on September 9, 1989 by Deputy Prime Minister of the Czechoslovak Socialist Republic comrade Hrivnák and Deputy Prime Minister of the Hungarian People's Republic comrade Megyessy, experts in international law from the Czechoslovak Socialist Republic and the Hungarian People's Republic met in Prague on September 18 - 20, 1989 to deal with questions of implementation of the 1977 Treaty on the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks and Related Documents.

The names of participants are listed in Enclosure 1.

Both delegations exchanged detailed information on their views and positions on the international legal aspects of implementation of the above 1977 Treaty.

The positions of experts from the Hungarian People's Republic are defined in Enclosure 2 and those from the Czechoslovak People's Republic in Enclosure 3.

Both delegations announced they would inform their competent bodies of the course of the talks.

The experts talks were held in a friendly and matter-of-fact atmosphere and had the nature of an informative meeting.

Done at Prague on September 20, 1989 in two original copies in the Czech and Hungarian languages, both having equal validity.

Signature
(illegible)
Head of the
Czechoslovak delegation

Signature
(illegible)
Head of the
Hungarian delegation

Hungarian delegation

Dr Bán Tamás

Ministry of Justice, head of department, had of delegation

Dr Bruhács János

Janus Pannonius University, Associated Professor, head of chair, vice-dean

Dr Fodor János

Ministry of Foreign Affairs, head of department

Dr Valki László

Eotvos Lóránd University, Faculty of State Law and Legal Sciences Budapest, University Professor, head of chair

Dr Tatár Gyorgy

First Secretary of the Embassy of the Hungarian People's Republic in Prague

Váradi Lajos

Interpreter - Consul of the Consulate General of the Hungarian People's Republic in Bratislava

Czechoslovak delegation

Professor Otto K u n z, Doctor of Sciences

Director of the Institute for international politics and international law of Charles University, head of the delegation Professor Čestmír Č e p e 1 k a, Doctor of Sciences

Member of international law chair of the Faculty of Law of Charles University, member of the delegation

Josefína Darášová

Office of the Presidium of the Government of the Czechoslovak Socialist Republic, member of the delegation

Juraj K r á l i k, Candidate of Sciences

Adviser to the Plenipotentiary of the Government of the Czechoslovak Socialist Republic and the Government of the Slovak Socialist Republic for the construction of the Gabčíkovo-Nagymaros system of locks, member of the delegation

Luděk Krajhanzl

Head of the international contractual law division of the Ministry of Foreign Affairs, member of the delegation

Petr Vyroubal

International contractual law division of the Ministry of Foreign Affairs, member of the delegation

Position of Hungarian experts

- 1) According to Hungarian experts in questions of construction of the system of locks on the Danube, from the viewpoint of international law it is necessary to proceed from and take into consideration not only the 1977 inter-state agreement but also the general principles of international law and its regulations. particularly the right of non-navigation use of international water courses and the norms of international law concerning the protection of environment. These provide for increased attention to the protection of environment, cooperation between states and for goodwill at talks leading to agreement. Proceeding from these norms, both sides are obliged to take necessary measures when noticing ecological threats in order to escape them. The measures must include necessary investigations and joint evaluation of results and the decision - joint definition - what should be done. Provided the parties find it necessary the case may be that the treaty and related documents and regulations will have to be harmonized with the conclusions of results of investigations. For the period of investigations and elaboration of joint regulations the sides - in conformity with regulations of international law must rationally suspend construction work so as to avoid undesirable ecological effects, economic disadvantages etc.
- 2) The above statement proves unequivocally that the decision of the Hungarian Government to suspend construction work is not at variance with the norms of international law. In such case, the Czechoslovak side is obliged to conduct talks in goodwill and, until the differences of opinion are settled, bear responsibility for work done by this side.
- 3) Since the decisions made so far by the Hungarian side have not international law bears of violated the norms responsibility as regards a compensation for damage either. It is also too early to assess any material effects. Hungarian consider necessary to point out that under it international legal regulations on responsibility, damages can be claimed only on the basis of parallel existence of two conditions: the violation of law and the really suffered damage.

In this particular case the two conditions are absent.

4) The Hungarian experts stated with regret that the Czechoslovak delegation did not have the opportunity to get acquainted with the necessary details concerning the unilateral measure in the area of the Dunakiliti water reservoir. Nevertheless, it can be resolutely said that the considered provisional technical solution would seriously violate the 1977 inter-state treaty as well as agreements concluded between the two states on state border, border waters, navigation on the Danube and the Paris peace treaty.

Enclosure 3

Views of Czechoslovak experts in international law

The Czechoslovak experts have qualified the decisions of the Government of the Hungarian People's Republic of May 13, 1989 and July 20, 1989 as unilateral acts not respecting the way of settling points at issue specified by the 1977 Treaty. At the same time this act is at variance with common international contractual law codified in Article 57 of the 1969 Vienna Convention on Contractual Law.

The unilateral suspension of implementation of the Treaty and related contractual documents is considered by Czechoslovak experts a breach of duties arising from timetables of the construction of the system of locks.

The Czechoslovak experts pointed to the generally recognized principles of common international law concerning of states for a breach of international responsibility contractual obligations and the duty to compensate for the damage caused by such breaches. In this connection they stated that by the above-mentioned current conduct on the part of the Hungarian People's Republic has caused to the Czechoslovak Socialist Republic damage for which the Hungarian People's Republic has to compensate in conformity with Article 26 of the 1977 Treaty.

The Czechoslovak experts expressed the conviction that the 1977 Treaty and related contractual documents as well as other bilateral agreements concerning ecological questions took to a sufficient extent into account the ecological aspects of the construction and operation of the Gabčíkovo-Nagymaros system of locks and provide a sufficient basis for the mutually agreed and ecologically safe operation of the system of locks. They recalled, inter alia, the already expressed readiness of the Czechoslovak side to start negotiations on the protection of the quality of water of the Danube in connection with the operation of the system of locks.

The Czechoslovak experts informed of the theoretically considered possibility of a substitutional temporary technical solution to which the Czechoslovak side would be forced in the event the Hungarian People's Republic unilaterally discontinues or suspends for a long period of time work on the construction of the Gabčíkovo part of the system of locks. The Czechoslovak experts stressed the temporary nature of such a possible solution aimed at contributing to the fulfilment of the purpose of the 1977 Treaty and at the same time to reducing the extent of damage which would be caused to the Czechoslovak side by this conduct of the Hungarian People's Republic.

In this respect the Czechoslovak experts pointed to the readiness of the Czechoslovak side to complete the Gabčíkovo-Nagymaros system of locks in tune with the 1977 Treaty on the condition the Hungarian People's Republic shows the same willingness and compensates for the damage caused to Czechoslovakia in the past and in the future by the unilateral violation of the Treaty by the Hungarian side.

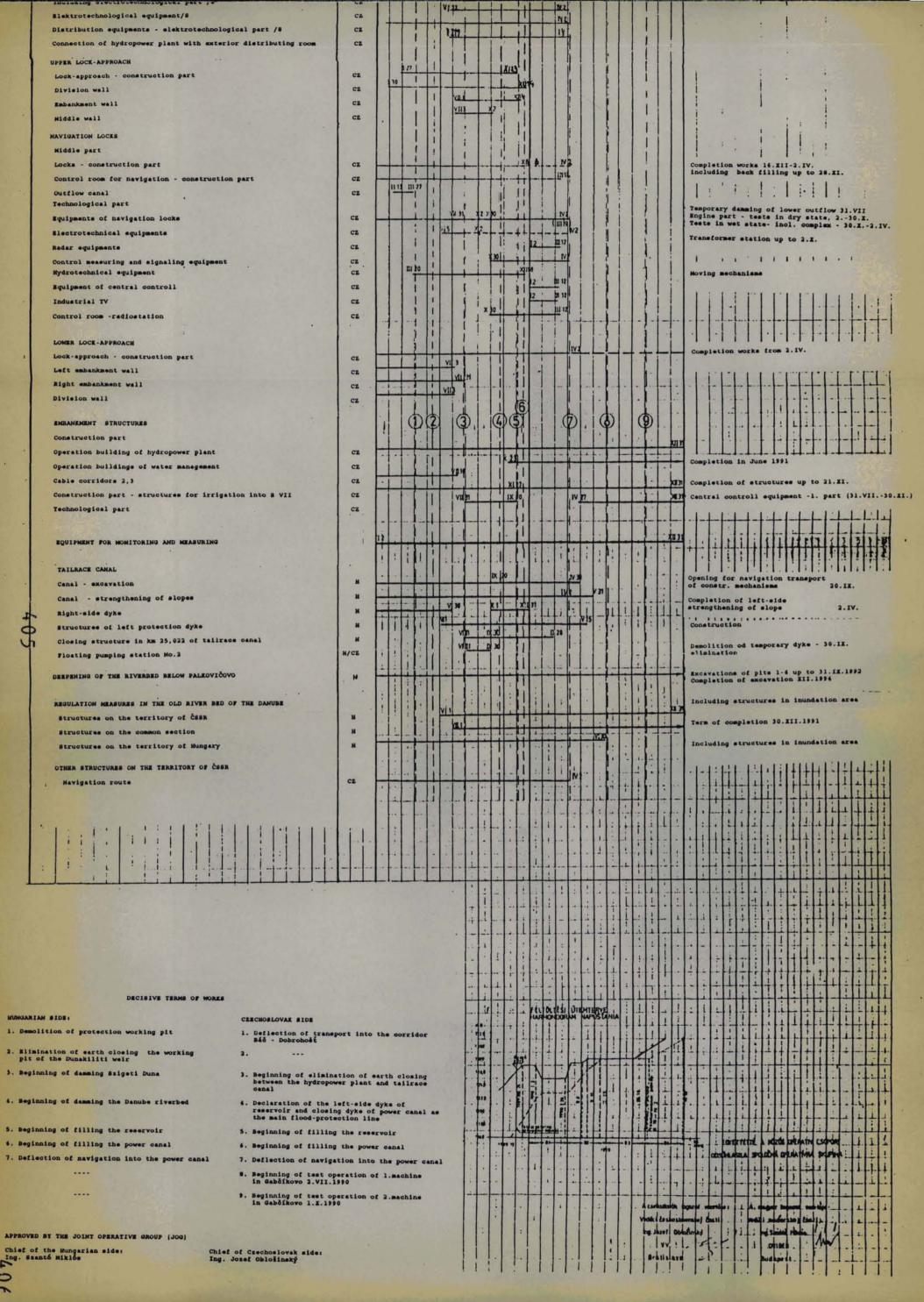
The Czechoslovak experts stated that they found no legal reasons which would preclude a possible realization of this substitutional temporary solution in the form of counter-measures on the Czechoslovak side. This solution would also not affect the existing line of state border.

Annex 135

Joint Operative Group Time Schedule of Putting the Water Work Gabcikovo into operation

Time schedule of putting the water work Gabčíkovo into operation

Name of object	Realiz. 1989
RESERVOIR HRUSOV-DUNARILITI	1 11 11 17 V V 170 WELK X X X 1 1 1 11 11 11 Y V V V V V V V V X X X X X X X X X X X
Retention reservoir on the territory CHER	
Constructions on the left-side dyke of reservoir Dyke of reservoir	CZ 100d protection line including structures
Seepage canal	CZ Completion of works between 1.830.9. up to flood-protects
Constructions on the right-side dyke of reservoir	Construction of guiding dynamics the structure 27.11.
Intake structure including technological equipment	C8 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Structures of guiding dam	Ca/R
Structures for monitoring and measurement Other structures	
Terrain arrangement at the end of reservoir	CZ
on the left side	CZ Arrangement of reservoir after 30.XI. over operation level
Works connected with filling the power canal	CZ
Dam outlet	cz ivi5 x1 s
Filling structure Filling structure into the power canal	CZ I XIZ Temporary flood-protection
Increasing of existing flood-control	CZ After construction of filling structure
Demolition of dyke Demolition of dyke in the navigation route	C2
Left-side dyke - construction of corridor	CZ CZ CZ CZ
Demolition of corridors	
Descrition of public transport Descrition of corridors	
cleaning of retention reservoir and transfer of deer	CZ Transfer of deer 1.II - 2.IV.
Retention reservoir on the Mungarian territory	R piecharge canal-elimination of earth closing-
Danming of Szigeti Dune in the section 9,630-9,890 km	H Long-distance transfer from backwater structures of the seepage canala 1.V1.IX.
Structures	H VIII 1 101 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
. Arrangement of reservoir, deforestation and transfer of deer	
MEIR DUNAKILITI	
Dyking and construction pit	H Test operation 15.IX - 15.X. after 1.VIII. over elevation of the Danube level 126,00 mB is possible partially into
Weir Auxiliary navigation lock	Test operation 10-30.X.
Auxiliary equipment for navigation	H through Dunakiliti from 25.X.
Piere and ship guiding beams	H 175 DUBO Walt Paginning of damming of the Danube riverbed 20.I25.I. after 10.III - construction of dykes and protection of slopes
Cut-off of the riverbed and dasming of riverbed	
POWER CANAL	
Canal Construction of canal	CZ
Construction of right-side dyke in km 8,5 - 16,7	
Ouiding dyke Port of breakdown ships	cz vus vus
Bituminous sealing of slopes	cz
Sealing of bottom with foil	
Protective sand-and-clay layer on the bottom Stabilization of the canal bottom	
Bituminous sealing of the bottom	CZ
Protective gravel layer of the bottom	
Facilities for aport navigation	
) GABČÍKOVO PROJECT	() (Q) (Q (S) (Q (S) Q (
/ Hydropower plant Construction part	
. Lower part of construction	CZ Mis
Filling of inlet and outlet	CZ
Upper part of construction Bridge over inlets	cz vij vij X,0 Technological transport from 3.1V.
Connection to power canal	CZ Public transport from 31.VII.
Connecting the hydropower plant on tailrace canal Dredging of gravel	#
Digging under strengthening	n vin vin xis xin vin xis vin xis vin xis vin xis vin vi
Strengthening of slopes and bottom with stone	C2 V ₁ V ₁
Dredging of gravel in dry state Strengthening of bottom in dry state	CZ VIS VIS
Lower lock-approach - Left-side dyke	
Technological equipments	Installation of treatment machine, darming of inflow part 3.VII.
Equipment on water supply Equipment of engine room	
Delivery of turbines /8	CZ
Installation of turbines /8 Individual tests /8	
Tests in wet state	CZ [27] V35 VII.
Equipment on water outlet Equipments of suciliary operation rooms	CE N/2 DATE N/2 Oli management - delivery up to 18-II.
Control measuring and regulation equipment /8	
Hydropower plant - water inlat - electrotechnological part Delivery and preliminary installation of generator /6	cz ws ws delivery up to 18.12.
Installation of generator /8	CE CZ
Individual tests /8	
Theta in wet state /9 Ordropower plant - water outlet - electrotechnological part	- cz
Auxiliary operation areas - electrotechnological part	CZ (X 18 W1 VIII Completion of works 2.1V2.VII.
General measurement and regulation equipment	Vieta III mil



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Annex 136

Information Concerning the Termination of Construction Work on Nagymaros Barrage and Delay in the Construction of Water Work Gabčíkovo

INFORMATION CONCERNING THE TERMINATION OF CONSTRUCTION WORK ON NAGYMAROS BARRAGE AND DELAY IN THE CONSTRUCTION OF WATER WORK GABČÍKOVO

This information was elaborated by the Secretariat of the Danube Commission within the competence given to the Danube Commission, in article 8 of the Convention on Navigation Regime on the Danube and on the basis of decision of 49th Session of the Danube Commission, (SES 49/24), approved by the plenary meeting on 23.4.1991, namely:

"to urge the governments of the Danubian countries to comply more strictly with the provisions of Article 3 of the Convention on Navigation Regime on the Danube and with Recommendations concerning profiles of navigation route, hydrotechnical and other constructions on the Danube."

In ordal guarantee and improve conditions on the Danube, the Danube Commission elaborated and agreed at its XVII, XX, XXI, XXXIII and XLV sessions the Recommendations concerning profiles of navigation route, hydrotechnical and other constructions on the Danube.

With the aim to realize these Recommendations through projects and plans of the Danubian countries a Plan of basic works aimed to improve the navigation was elaborated. The Danube Commission approved the Plan final for the period 1961 - 1965, and than for the periods 1966-1970,1980-1990 and for some sections even for the period after the year 2000.

The main aim of the envisaged works for this period was:

- to guarantee the recommended profiles of the navigation route
along the whole navigation section of the Danube, and especially
the minimal depths, which are as follow, according to these
recommendations of the Danube Commission:

In the section Kelheim - Regensburg (2111,60 - 2379,00 rkm) - in impounded sections of the river:

- a) at least 27 dm in the sections with easily eroded river bottom,
- b) at least 28 dm in the sections with stony and /threshold/ river bottom

In the section Regensburg - Kachlet (2379,00 - 2230,72 km)

- in sections with natural river flow:
- a) at least 18,5 dm in sections with easily eroded river bottom,
- b) at least 19,5 dm in sections with stony and /threshold/ river bottom,
- in impounded sections of the river:
- a) over 27 dm in sections with easily eroded river bottom,
- b) at least 28 dm in sections with stony and /threshold/ rapids river bottom,

In the section Kachlet - Vienna (2230,72 - 1920,30 rkm):

- in sections with natural river flow:
- a) at least 20 dm in sections with easily eroded river bottom,
- b) at least 21 dm in sections with stony and /threshold/ river bottom,
- in impounded sections of the river:
- a) at least 27 dm in sections with easily eroded river bottom,
- b) at least 28 dm in sections with stony and /threshold/ river bottom,

In the section Vienna - Braila (1920,30 - 170,00 rkm)

- at least 25 dm in sections with natural river flow,
- at least 35 dm in impounded sections of the river,

In the section Braila - Sulina (170,00 - 0,00 rkm) at least 24 feet (73 dm).

Several important regulation works were completed during previous stages of the Plan of basic works on the Danube, including 18 water works - hydrotechnical constructions - from among the total 29 constructions

planned by the Plans for construction and development of the navigation route on the Danube.

More than 30% of the whole navigation length of the Danube was channelled as consequence of the these constructions.

The letters of the representatives of Hungary and Czechoslovakia in the Danube Commission were sent to the chairmen of the Danube Commission with reference to the mentioned Plan and the Agreement between Czechoslovakia and Hungary signed in March

1979, together with an information concerning "The construction of a joint System of water works on the Danube Gabčíkovo-Nagymaros and questions of navigation related there to". The planning and projects preparation of this System had a long history, but its realization began only in 1978.

The main international instruments which is the basis of the construction of the system is "The Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic concerning the construction and operation of the Gabčíkovo-Nagymaros system of locks" signed in Budapest on 16. September 1977:

"The system is situated in the section of the Danube at rkm 1860 - 1657 and represents a technical and economic imseparable unit. The construction of the whole System will remove the present unfavourable conditions for navigation in this section (where the average depth is only 18 dm and during low discharges only 14 dm) and where the formation of shallow water hinders the navigation of hundreds of ships from all Danubian countries.

After the completion of the System of water works the navigation route will have the following parameters:

minimal depth of the navigation route in this section:

1860-1696,25 km - 35 dm

1696,25 - 1657 km - 30 dm

minimal width - 180 m

minimal curve radius - 1000 m

utilizable length of navigation locks - 275 m

utilizable width of water locks - 34 m

what corresponds with the recommendations of the Danube Commission.

The navigation will be possible day and night in both directions along the whole section of the Danube within the System. The navigation time between Bratislava and Budapest, including the navigation through the locks, will be shortened by 10% as compared to the present time necessary for navigation.

The Danube Commission considered the proposals of Hungary and the Czech and Slovak Federal Republic to having all these motives in mind.

The construction was unanimously included by Danubian states in the Plan of basic works geved to achievement recommended profiles of the navigation route, hydrotechnical and other constructions on the Danube in the period 1981 - 1990 (DK/SES 42/13).

The Plan of basic works was set up in accordance with Article 8/b of the Convention on the Navigation Regime on the Danube and approved by the decision of the second session of the Danube Commission (DK/SES 42/42). This plan assumes the execution of hydrotechnical works by all Danubian states in order to achieve the depths and widths of the navigation route along the whole navigation route in accordance with Recommendations concerning profiles of the navigation route, hydrotechnical and other constructions on the Danube, approved by the Danube Commission in 1979.

The Danube Commission learned, in 1989, from mass media about the temporary suspension of the construction works in Nagymaros. Some months later, in autumn 1989, the Danube Commission learned once again from the press about the decision of the Hungarian Parliament to terminate the construction of the system of water works prepared jointly with the Czechoslovak side and to start bilateral negotiations with the aim to look for a compromise solution as for as the future of the G/N Project is concerned.

It must be mentioned in this connection that from the beginning of the construction of the System of water works, all works in the said section were concentrated solely on the construction itself and no preventive and protective works to maintain the navigation conditions were performed.

As a result of the schedule of construction works navigation conditions along the whole section deteriorated even if compared with already previous inconvenient navigation conditions. For example in the period between April 1, 1989 and March 31, 1990 the depths in the Czechoslovak and Czechoslovak-Hungarian section of the Danube decreased and were under 25 dm for more than 200 days per year, from what 106 days they were under 20 dm and 55 days under 16 dm. This deterioration of the navigation conditions continued in 1990-1991 and can be observed also nowadays.

E.g. from September to November 1991 there were minimal

depths 130-140 cm in shallow section. Thus the up to present time the recomanded profiles have not been ensured in this section of the Danube.

In February 1990, the Association of West European industrial and commercial chambers in the region of the Rhine, the Rhône and the Danube reacted to this situation and in connection with approaching opening of the channel Rhine-Main-Danube, where such obstacles for navigation will not exist, sent the following resolution to the Danube Commission:

"The Association of west European chambers demands the immediate continuation of works aimed to widen the river bed of the Danube in Austria and renewal of works in Hungary.

The Association call on the Federal Government Austrian and the Lands of Vienna and Lower Austria to speed up the elaboration of the strategy concerning the navigation on the Danube between Greifenstein and the frontier and calls on the Hungarian Government to continue jointly and according to the Treaty with the Czechoslovak Republic the works in the area of Nagymaros. The present state of works, under which the completed Gabčíkovo part of the project cannot be put into operation because of the missing Nagymaros part, is surely not satisfactory. The navigation conditions in this section of the Danube are nowadays worse than before the beginning of construction works on the common section of the Danube."

The resolution of the Association of West European chambers was answered from the Hungarian side by the minister of transport and water management:

"You are surely informed about the European realize, as published in the press, that the termination of the construction of the System of water works was decided especially with regard to ecological principles and demands which were not considered adequatly earlier. We trying since the termination of the construction, to find a solution which would be acceptable for neighbouring countries from the ecological and economic points of view /.../

Nevertheler I would like to draw your attention to another important fact, that the mentioned section of the Danube is in the length of 150 km a common Slovak-Hungarian section and thus all projects can be realized only if agreed by neighbouring

countries."

In October 1990, the director of the secretariat of the Danube Commission who participated in the works of the 35th conference of directors of the Danube navigation companies, informed the Danube Commission as follows:

"In connection with existing serious difficulties concerning the navigation on the Danube and with losses caused by these difficulties and endured by the navigation companies, the chiefs of the delegations of the Danube navigation companies directed the following demand to competent organizations of Hungary and Romania and drawn their attention to the deterioration of the navigation route in the area of Nagymaros and the mouth of branch Gogosul.

The navigation companies decided to ask the Danube Commission for a help to find out a solution of the problem which belongs to the competence of the Danube Commission according to the Belgrade Convention of 1948."

In December 1990, the representative of the USSR in the Danube Commission reacted to the letter of the Association of industrial and commercial chambers and informed the Danube Commission as follows:

"The USSR favored always, in all activities of the Danube Commission, the respect for article 3 of the Convention on the Navigation Regime on the Danube which sets up the obligation of the Danubian states "to maintain their sections of the Danube navigable for river ships and on determined sections also for maritime ships and to perform unavoidable works to guarantee and improve the navigation in the navigation route of the Danube.

By the end of 1992, the planned putting of the channel Main-Danube into operation makes even more urgent the of narrow places on the Danube in order to allow the utilization of the Danube water route in the larges possible extent.

The Soviet shipping organizations suppose that the worry of the Association of West European commercial and industrial chambers for the area of Rhine - Rhône - Danube concerning the navigation in the given river sections should draw the attention of the Danube Commission. It is recommended that the Secretariat of the Commission contacts the mentioned Association with the aim to realize the proposed cooperation."

The Secretariat of the Danube Commission research a letter in March 1991 from the government of the Czech-and-Slovak Federal Republic concerning its view as to the resolution of the Association of West European commercial and industrial chambers for the area of Rhine - Rhône - Danube.

"I have the honour to submit herewith you the standpoint of Czechoslovakia to your letter Nr. DK 147/US-1990 concerning the acceleration of works for the enlargement of the Danube in the German and Austrian section in connection with the resolution of the Association of West European commercial and industrial chambers in the area of Rhine - Rhône - Danube of 16.2.1990.

From the previous direct correspondence we informed about the initiative of the West European commercial and industrial chambers in the area of Rhine - Rhône -Danube concerning the improvement of navigation on the Danube between Vienna and Budapest. The Federal Ministry of Transport share unequivocaly positive standpoint in the question definitive completion of the System of water works Gabčíkovo-Nagymaros because this construction with improve the conditions of navigation on approximately 210 km lone reach of the Danube, including 60 km long ford section where every year exist smaller depths than recommended by the Danube Commission. The Federal Ministry of Transport supports in this sense the definitive these problem in all national as well as solution of international fora.

The negotiations of governmental delegations of the Czech and Slovak Federal Republic and the Hungarian Republic concerning the complex solution of problems of the construction and operation of water works Gabčíkovo-Nagymaros are right now begining reparated. There will be an effort to complete the construction of the G/N System of water works with gradual putting of separate constructions into operation."

The Danube Commission, at its 49th session on April 1991, adopted the Regulation DK/SES 49/24, mentioned at the beginning of this information, and concerning the necessity of strict complisuce with Recommendations for profiles of the navigation route, hydrodynamic and other constructions on the Danube.

After the 49th session the representatives of member states of the Danube Commission received two invitations:

The first invitation was initiated by the government of the Czech and Slovak Federal Republic and proposed to visit Gabčíkovo and Bratislava, to meet the representatives of the Government and the Ministry of Water Management of Slovakia with the aim to exchange information on the construction of the hydroenergetic and navigation system in the region of Gabčíkovo. The programme of the visit was realized and the representatives of member states of the Danube Commission were informed on June 6, 1991 by the competent authorities of the Czech and Slovak Federal Republic about the state of construction of hydroenergetic and navigation system in Gabčíkovo and the causes of suspension of putting this system into operation.

The similar meeting with the same goal - exchange of the newest information - of the representatives of the Danube Commission took place at the beginning of July 1991 on the invitation of the Hungarian government.

The participants inspected, during this meeting, the section with natural flow of the Danube from Rajka to Genyö. The representatives of the competent Hungarian authorities presented the information about the notifying of the Hungarian decision to stop the construction on of the hydroenergetic and navigation system Gabčíkovo-Nagymaros.

During these meetings, the Czechoslovak and Hungarian sides ensured representatives of the Danube Commission that both sides are trying to find a solution, within bilateral talks, concernig the future of the project which could satisfy the needs of navigation and at the same time to comply with the Recommendations of the Danube Commission.

In August 1991 the representative of the Republic Hungary in the Danube Commission addressed in August 1991 a letter to the President of the Danube Commission with the following demand:

Dear Mr. Pop,

you are surely informed that on July 27, 1991 the Czech and Slovak Federal Republic began to fill up the power canal of the System of water works Gabčíkovo-Nagymaros and in this connection even before these works were started the Hungarian government expressed its disagreement.

The last time, on June 30, the government of the Hungarian Republic sent a Note verbal containing a protest against

unilateral steps of the Czech and Slovak Federal Republic because Czechoslovakia takes the water necessary to fill up the canal from the Danube which is a common frontier and this is not conformity with the Joint Agreement concerning the fulfilment of the Interstate Treaty on the G/N System of water works of 1977.

The Government of the Republic of Hungary decided to continue the dialogue with the Czechoslovak Government on the future prospect of the system of water works and continued the preparatory works for the regular round of negotiations on international level which will be held in September.

We hope that through the enduring dialogue, the Hungarian and Czechoslovak sides will find a common solution which will be satisfactory for all Danubian countries.

Budapest, July 31, 1991"

In August 1991 the Commission received the letter of the representative of Czechoslovakia who submitted the following proposal:

"Dear Mr. President,

I was requested by the Czechoslovak government to inform you about the situation in the construction of the System of water works and about further activities of the Czechoslovak side concerning the construction of the system aimed to guarantee the conditions of navigation in the area of water work Gabčíkovo.

The Danube Commission was informed about the construction of the G/N Project, its technical solution and aims to be reached by the construction, as for as the improvement of conditions of navigation is concerned, by both treaty parties in February 1979.

The Hungarian Government adopted the decision on the immediate suspention of the Construction of the Nagymaros step on May 13, 1989 and on August 2, 1989 it adopted the resolution to the works on the damming of the river bed of the Danube near to the Dunakiliti weir.

Thus also the works on the Gabčíkovo part of the project were stopped and subsequently on the whole Hungarian part of the System of water works.

The Czechoslovak side is trying all the time but still without result to achieve the reneval of works. The negotiations of the governmental delegations of Hungary and Czechoslovakia

took place on April 22, 1991 in Budapest and on July 15, 1991 in Bratislava. The Czechoslovak side tried to reach an agreement, during these negotiations, on the joint completion of the construction and on putting of the G/N System into operation. The Hungarian side rejected the proposals of the Czechoslovak side. It demanded to anulate the interstate Treaty and proposed to realize some unspecified measures for restoration of the territory, but it did not submit any technical or economic ideas of substitute the basic functions of the System of water works, including conditions for international navigation on the Danube.

The recommended profiles of the navigation route in this section of the Danube cannot be guaranteed by technologies utilized up to this time. It will be possible only by means of construction of steps as it was realized in Austria and Germany - by the construction of water works in upper part of the Danube, and also in Romania and Yugoslavia in the area of Iron Gate. Our research and practice support this statements.

Together with the Danubian countries also other European countries are interested in the improvement of conditions of navigation in this critical section of the Danube. Their interest increases with putting of the channel Danube-Main-Rhine into operation in September 1992. The manifestation of this interest was expressed in the Resolution of the Association of West European industrial and commercial chambers of February 1990 in which the Association asked the Government of Austria to keep the section of the Danube below Vienna navigable and asked the Governments of Czechoslovakia and Hungary to complete works on the construction of the System of water works and thus to eliminate one of the last barriers of navigation on the Danube.

According to results negotiations with the Hungarian side it is justific to suppose that the standpoint of the Hungarian Government and Parliament concerning the posibiliti of common completion of the project has not changed. Therefore the Czechoslovak side has decided to realize exclusively on its own territory such technical measures that with decrease partially occuring damages and will make possible to put into operation at least the Gabčíkovo part of the project by measure a temporary solution unless the Hungarian side returns to the joint completion of the System.

The water work Gabčíkovo being once put into operation by means of a temporary solution with guarantee through all the you the navigation profiles in the are of Gabčíkovo water work in fall compliance with recommendations of the Danube Commission.

The Czecho-Slovak side supposes that the Hungarian side will not agree even with temporary solution of putting the water work Gabčíkovo into operation. Therefore, being intended by the Government, I would be grateful if you could inform the representatives of the member states of the Danube Commission about our intended activities and ask them to take up a position to this intended solution. In the interest to clarify all questions and to give an additional information Czechoslovak side for your consideration the meeting of representatives of member states of the Danube Commission to be hald in the second half of August 1991.

Two Danubian countries - Romania and Bulgaria - expressed their view to the Czechoslovak proposal and were ready to support the organize the meeting of the Danube Commission. The letter of Romanian competent authorities is dated September 1991 and the letter of Bulgarian authorities is dated October 1991.

Anr		1	2	7
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(Extract)

Plan des Grands Travaux Visant l'Obtention des Gabarits Recommandes sur Le Danube dans l'intéret de la Navigation

PLAN DES GRANDS TRAVAUX

VISANT L'OBTENTION DES GABARITS RECOMMANDES SUR LE DANUBE DANS L'INTERET DE LA NAVIGATION

> COMMISSION DU DANUBE BUDAPEST — 1977

INTRODUCTION

Le présent Plan des grands travaux visant l'obtention des gabarits recommandés sur le Danube dans l'intérêt de la navigation (CD/SES 35/21), dressé, en vertu de l'article 8 de la Convention relative au régime de la navigation sur le Danube, sur la base des propositions et des projets des pays danubiens a été adopté par décision de la XXXVe session de la Commission du Danube (doc. CD/SES 35/29).

Ce Plan prévoit les travaux hydrotechniques qui seront exécutés par les pays danubiens jusqu'à l'an 1980 (pour quelques secteurs du Danube, jusqu'à l'an 2000) afin d'obtenir sur tout le parcours navigable du fleuve les profondeurs et largeurs de chenal répondant aux Recommandations relatives à l'établissement des gabarits du chenal, des ouvrages hydrotechniques et autres sur le Danube, adoptées par la Commission du Danube en 1975.

Dans son essence, le Plan traite de la construction envisagée d'un grand nombre de centrales hydrauliques sur le Danube afin que l'entier parcours du fleuve soit transformé à l'avenir en une voie navigable profonde.

- Sur le Haut-Danube, le secteur en aval de l'Isaar; il est nécessaire d'y exécuter des dragages en permanence. Des conditions analogues se présentent dans la zone où prend fin la retenue de la centrale hydranlique de Kachlet, près de la ville de Vilshofen.
- Le secteur autrichien est caractérisé par des sections de retenue et des sections à courant libre; pour l'avenir, il est envisagé de créer par la construction d'autres centrales hydrauliques une chaîne continue de barrages, ce qui permettra d'obtent les gabarits recommandés par la Commission du Danube
- Sur le secteur tchécoslovaco-hongrois, le secteur entre Rajka et Gonyû y compris. l'unique et rationnel moyen d'obtenir les gabarits de chenai recommandés pour ce secteur est la construction de centrales hydrauliques.
- Sur le secteur hongrois dans la région de Budafok (km 1638.00 1637.00), les profondeurs et largeurs enregistrées sont respectivement de 19 dm et de 80-100 m à 1'ENR. Il s'avère donc nécessaire de poursuivre le dragage et les travaux de régularisation afin d'approfondir et d'élargir le chenal dans cette région.
- <u>Sur le Bas-Danube</u>, le secteur Drobeta-Turnu Severin Brăila; on n'a pas réussi à augmenter sur certains seuils la profondeur et la largeur de chenal jusqu'aux valeurs recommandées. Ainsi par exemple, sur le secteur de seuils dans la région de Batin (km 529,00-524,50), en 1973 on a observé pendant 33 jours des profondeurs de 20 dm par rapport à l'ENR. Afin d'obtenir les gabarits de chenal recommandés, on envisage de construire également sur ce secteur des centrales hydrauliques.
- Sur le secteur de l'embouchure du Danube, de grandes quantités d'alluvions se déposent sur le littoral, ce qui forme un obstacle pour le trafic des bâtiments. Pour assurer l'entrée dans le Danube et la sortie en mer, il s'avère nécessaire de poursuivre chaque année la construction des digues sur la barre de Sulina et d'exécuter des travaux de dragage pouvant assurer les gabarits de chenal recommandés.

2. Hauteur libre des passes navigables des ponts

Outre les profondeurs et largeurs de chenal insuffisantes, il existe sur le Danube plusieurs ponts dont les passes navigables n'ont pas les hauteurs libres recommandées au HNN, comme le montre d'ailleurs le Tableau No 2.

2. Aménagement du secteur tchécoslovaco-hongrois par la création de retenues

La réalisation des projets - échelonnés sur plusieurs années - de construction du système de centrales hydrauliques Gabčikovo - Nagymaros permettra de créer dans un proche avenir de bonnes conditions de navigation sur le secteur tchécoslovaco-hongrois, et notamment sur le secteur de seuils Rajka - Gönyü cu, sans la construction dudit système de centrales hydrauliques, il serait impossible d'assurer les gabarits de chenal recommandés. La construction du système de centrales hydrauliques Gabčikovo-Nagymaros améliorera les conditions de la navigation sur un secteur de 200 km de long, de Bratislava à Budapest. Le système se compose de 3 complexes fondamentaux, à savoir le barrage Hrušov - Dunakiliti, la centrale hydro-électrique de Gabčikovo et la centrale hydraulique de Nagymaros.

2.1. Le barrage Hrusov - Dunakiliti (km 1842,00)

Ce barrage créera sur le Danube une retenue dont le niveau atteindra 131,10 m au-dessus du niveau de la mer.

Le bassin de retenue sera doté de digues latérales et s'étendra sur une surface d'eau de 50 km. L'eau accumulée dans le bassin de retenue sera utilisée pour le régime de pointe de la centrale hydro-électrique Gabčikovo. Le barragedéversoir Hrusov - Dunakiliti, avec le canal d'amenée, pourra évacuer des débits de crues Q 0,01% = 15.000 m/sec. Le barrage-déversoir aura 7 pertuis évacuateurs de 24 m de large et une écluse de navigation pourvue, du côté du bief amont, d'une vanne-segment, et du côté du bief aval, de portes coulissantes. Quand le canal d'amenée de la centrale hydroélectrique Gabčikovo sera mis hors-service pour contrôle ou réparation, l'écluse assirera la navigation à travers l'ancien lit du Danube. Le parrage Hrusov - Dunakiliti sera construit en dehors du lit du Danube et ne gênera pas la navigation durant la période de construction. Au moment de la mise en eau du bassin de retenue et du canal de dérivation, après que le lit naturel du Danube aura été barré, la navigation sera interrompue pendant 3-5 jours.

La longueur du canal d'amenée de la dérivation de la centrale hydro-électrique Gabčikovo sera de 17,6 km. Les remblais des digues du canal auront une hauteur maximale de 18 m et la crête des digues du canal, par rapport au niveau maximal hydrostatique dans le canal, de 2,0 m. La largeur au plafond du canal sera de 350 m, et devant la centrale hydro-électrique Gabčikovo, elle atteindra 650 m afin d'assurer des conditions plus avantageuses pour la navigation.

Annex 1	38
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(Extract)

Decision de la Quarante-Deuxième Session de la Commission du Danube, 28 March 1984

DECISION

DE LA QUARANTE-DEUXIEME SESSION DE LA COMMISSION DU DANUBE

concernant les questions hydrotechniques

(Adoptée à la séance plénière du 28 mars 1984)

Après avoir examiné le point 2 de l'ordre du jour, ainsi que la partie du Rapport du groupe de travail pour les questions techniques traitant des questions hydrotechniques, la Quarante-deuxième session de la Commission du Danube DECIDE:

- l. d'approuver le Plan pour la période 1981 1990 des grands travaux visant l'obtention des gabarits du chemal, des ouvrages hydrotechniques et autres recommandés sur le Danube (doc. CD/SES 42/13);
- 2. de prendre note de l'Information sur l'entretien du chenal navigable et sur les seuils du Danube d'úlm à Sulina pour la période du ler avril 1982 au 31 mars 1983 (doc. CD/SES 42/5);
- 3. de prendre note de la partie du Rapport de la réunion d'experts pour les questions techniques traitant des questions hydrotechniques (doc. CD/SES 42/14);
- 4. d'approuver la partie du Rapport du groupe de travail pour les questions techniques traitant des questions hydrotechniques (doc. CD/SES 42/8)

hydrauliques (Jochenstein, Aschach, Ottensheim-Wilhering, Abwinden-Asten, Wallsee-Mitterkirchen, Ybba-Persenbeug, Alterwirth). Une centrale hydraulique est à l'heure actuelle (1980) en vois de construction à Melk. Après l'achèvement de cette centrale hydraulique, les gabarits prévus par les Recommandations de la Commission du Danube pour les sections éclusées seront réalisés sur les 62% du secteur autrichien du Danube.

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Actuellement, les profondeurs et largeurs minima obtenues sur ce sectour se situent respectivement entre 21-35 dm et 120-150 m. - Sur le secteur tchécoslovaco-hongrois du fleuve, y inclus le secteur Raika - Gényü (km 1850,20 - 1791,00), l'unique moyen rationnel d'obtenir les gabarits de chenal recommandés est la construction de centrales hydrauliques.

Les profondeurs et largeurs de chenal minima atteintes actuellement se situent respectivement entre 18-25 dm

- Sur le secteur hougrois, on a réussi à établir sur et 100-120 m.

le seuil rocheux de la région de Budafok (km 1638,00-1637,00) A l'heure actuelle, les profondeurs et largeurs de un chenal à caractère stable, où la profondeur est de 25-30 dm et la largeur, de 100 m.

- Sur les secteurs youkoslave et youkoslavo-roumain, chenal minima obtenues sur le secteur hongrois se situent les largeurs et profondeurs minima actuelles se situent respectivement entre 24-30 dm et 120-150 m. respectivement entre 25-45 dm et 120-200 m. Sur les secteurs roumaino-bulgare et roumaino-soviétique, les profondeurs et largeurs minima actuelles sont respectivement de 25 dm et de 100-180 m. (Tableau No 1).

moyenne 22,4 jours par an et les largeurs recommendées, pen-Sur le secteur entre les km 610-374,1, selon la communication des autorités compétentes de la Bulgarie, les profondeurs recommandées n'ont pas été atteintes Pendant en dant 3,6 jours en moyenne par an.

Sanal de Sulina

	Gabarit de chenal à l'ENR m ne nes res en m							
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1]	1	пр ј 6	}				*** Deux chenxx (11t *) Lit rocheux

Tableau

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1.

Il est projeté d'assurer en permanence sur ledit secteur une profondeur de chenal de 25 dm avec'une largeur le 100-120 m pendant la saison de navigation. Le volume des sierres qui seront éloignées dans le cadre des travaux se shiffre à 62 milliers de m', et celui des dragages à 15 mil-

1.2. Secteur entre le confluent de l'Ipoly et Dunaföldvár - 148 km (km 1708 - 1560)

Les mesurages de niveau d'eau effectués réans la région de Dbmös - Nagymaros - Váo le lit a été ages de Brachondi d'environ 30 - 35 cm grâce à l'exécution de dragges de grande envergure. En conséquence, les travaux de ragage ont été arrâtés sur ce secteur. Dans le passage troit de Visegrad, du fait que le lit du fleuve est rocheux, scaire d'exécuter à Dömüs des travaux de dérochement et scaire d'exécuter à Dömüs des travaux de dérochement et bro poursulvis. Sur le secteur en amont de Budapest, il nudra raccourcir quelques épis. À la fin de 1980, la pronudeur du chenal était tout le long du chenal de 25 dm et il largeur de 100-120 m, c'est-à-dire que les paramètres et prévoient les Recommandations pour les sections à rant libre cont assurés. Les galarits obtenus sont entre-srait libre écut assurés. Les galarits obtenus sont entre-srait libre écut assurés. Les galarits obtenus sont entre-srait libre écut assurés. Les galarits obtenus constante

Les données ci-après indiquent la nature et le vome des travaux exécutés:

- dárochements, éloignement de pierres: 7.000 m
- mise en place de pierres pour les ouvrages de régularisation: 119,6 milliers de m
 - dragages sur les seuils et extraction de gravier: 18 millions de m'.

1.3. Secteur de Dunaföldvár à la frontière hungaro-yougoslave - 127 km (km 1560 - 1433)

Il existe sur ce secteur de fleuve une section r laquelle il y a des ramifications, celle de Ordaé-Zádordro, la berge à terrain argileux s'éboule par droit et forme des llots. Déjà au courant du siècle derlit au début du sibele présent, de nombreuses coupures lift ont été exécutées en aval de cette section, à sylazió. Le courant a été régularisé par des ouvrages de neenration du courant, des épis, des digues transversas et des coupures.

Des travaux de régularisation de grande envergure ont été poursuivis sur ce secteur au cours des dix dernières annéen. Ainsi, les courbes de Paks-Zádor, Sükösü, Dunaföldvár et Sárospart ont été redressées et les conditions d'écoulement des eaux dans le lit ont été améllorées, ce qui a permis d'obtenir des gabarits de chenal plus avantageux.

pour amélioner les conditions de la navigation dans la région du confluent du S16, il s'avère nécessaire d'exécuter des travaux de grande ampleur comprenant le redressement des courbes prononcées entre Sárospart et Dunaszekcső, en aval de Baja.

Le volume des travaux qui, conformément au plan décennal actuel seront réalisés dans le cadre du Plan des grands travaux, se présente comme suit: mise en place et éloignement de pierrcs, environ 630 milliers de m'; dragages l', 5 million de m' (Tableau Nº 8).

2. Aménagement des secteurs hungaro-tchécoslovaque et hongrois par la création de retenues

La construction du système hydraulique et de navigation de Cabčikovo-Kagymares, entamée en 1978 (et communiquée en même temps à la Commission du Banube), se poursvii selon le programme medifié. Ainsi, la première des turbines sur le canal latéral de Gabčikovo sera mise en exploitation en 1990 et la huitième en 1993.

A Nagymaros, la première turbine sera mise en exploitatton en 1997, et la sixième en 1994. L'achèvement de l'ensemble du système hydraulique et de navigation est envisagé pour 1995.

Annex 139

(Extract)

"Navigation et Fleuves", 133, décembre 1990

CD 76/III-1991 Le 18 mars 1991

original allemand

Extrait du journal "Navigation et fleuves" du Service d'Information de la Société autrichienne de la navigation fluviale et maritime No 133, décembre 1990, pages 1-4.

LA NAVIGATION INTERIEURE DANS LA REGION DU DANUBE

Le professeur Dr Franz Pisecky passe en revue la situation de la navigation intérieure dans la région du Danube à la veille de l'ouverture de la voie de transit Rhin-Main-Danube et après "l'ouverture" des Etats de l'Europe de l'Est.

Le Danube est le second fleuve du continent quant à sa longueur (2888 km, dont 2414 km sont à ce moment navigables pour des bâtiments à grands gabarits) et le premier quant à son débit d'eau. La région du Danube diffère substantiellement de la région du Thin non seulement par ses dimensions géographiques mais aussi par ses dimensions économiques

La région danubienne couvre 817 000 km², c'est-à-dire la moitié du continent; de ce fait elle est quatre fois plus grande que la région du Rhin.

Tandis que sur le Rhin, dont le secteur navigable mesure 870 km environ, on transporte chaque année entre 270 et 280 millions de tonnes de marchandises, sur le Danube qui est presque trois fois plus long, on en transporte annuelle ment seulement entre 90-95 millions de tonnes. Les causes, qui ont mené à ces volumes de transport de marchandises grandement réduits sur le Danube, sont, avant toute chose, la densité moindre de la population et de l'implantation de centres industriels dans les limites du bassin du Danube. La région a une population de 86 millions environ, ce qui constitue un peu plus de la moitié des habitants des pays situés dans le bassin du Rhin; toutefois la participation au commerce mondial est de 1/25 du volume de marchandises transportées dans la région Rhénane.

Exceptant la Bavière, l'Autriche et la RSFTch et S, les pays danubiens avaient jusqu'à ces dernières décennies une structure de développement agraire. Ce n'est que dans le passé récent qu'un processus d'industrialisation a eu lieu dans la région, suite auquel l'index industriel a septuplé. Mais les conséquences économiques et sociales de

ce processus ont été sensiblement freinées par la manière de gestion directiviste appliquée par les systèmes économiques et politiques de cette région. De ce fait, la nécessité de rattraper le temps perdu est évidente. Ce n'est qu'aujourd'hui, après les événements politiques de la dernière année, que nous pouvons nous représenter dans ses dimensions réelles en quelle mesure la plus grande partie du Danube doit être considérée comme une région en cours de développement, surchargée d'une grande quantité de problèmes et de tâches qui attendent leur solution. Il faut avoir en vue en même temps les possibilités élargies de l'ouverture du marché et de l'expansion économique. L'ouverture du canal Rhin-Main-Danube, projetée à être réalisée dans deux ans, représentera un jalon sur ce chemin; son importance dépasse les limites du transport et est à même d'accélérer la dynamique de développement de tout le continent, fait que l'on peut pressentir aujourd'hui déjà. La Commission du Danube avait élaboré durant les années 60 des dispositions obligatoires du point de vue du droit international, nécessaires à la réalisation du plan par étapes de l'élargissement du fleuve et de sa transformation en une artère de navigation à grand gabarit. Le premier barrage hydraulique avait comme but d'atteindre en aval de Vienne la profondeur navigable minimum de 2,5 m et celle de 2 m en amont de la capitale fédérale de l'Autriche.

D'une façon générale cette première étape est réalisée déjà en Autriche. L'étape des travaux de régularisation du Danube n'a pas été réalisée encore sur le secteur frontalier tchécoslovaco-hongrois. Elle a été réalisée partiellement sur le secteur roumain du Danube où, à ce moment, il y a d'importants dépôts d'alluvions dans le lit du fleuve en aval du système hydro-énergétique Djerdap 2, les travaux de dragage n'étant entamés que suite à des protestations.

La deuxième étape des travaux d'élargissement du lit du Danube, ayant pour but l'obtention d'une profondeur minimum de 3,5 m en aval de Vienne et de 2,7 m en amont de Vienne, exige pour sa réalisation la construction de barrages hydrauliques. Actuellement, le secteur navigable du Danube de Kehlheim à Sulina a été élargi par l'entremise de seize barrages dont treize comprennent aussi des centrales hydroélectriques. Cinq installations se trouvent sur le secteur bavarois qui, de Straubing à Vilshofen, n'est pas adapté toutefois à la profondeur de 2,5 m; neuf sont situés sur le secteur autrichien et deux sur le secteur yougoslavo-roumain. Il est regrettable que la régularisation du secteur bavarois ne soit prévue que pour l'an 2000. Actuellement on ne peut y réaliser des transports de marchandises par des bâtiments de 1900 tonnes à pleine charge que durant 40% de l'année. Le secteur autrichien du Danube a été complètement élargi sur 70% de ses 350 km de longueur.

Jusqu'à présent l'Autriche a dépensé à ces buts 74 milliards de schillings autrichiens, soit 9 milliards de DM, dont 40% pour des travaux de construction (écluses, etc.), effectués exclusivement dans les buts de la navigation.

Six années durant, les actions des "verts" ont entravé de la manière la plus contraire au bon sens, à la stratégie et aux buts à longue échéance de la politique de préservation de l'environnement, le déroulement des travaux pour l'élargissement du lit du Danube entre Vienne et la frontière tchécoslovaco-autrichienne. C'est ainsi qu'une détérioration permanente des conditions de navigation a eu lieu sur ce secteur, suite à l'approfondissement du lit du fleuve et c'est justement les régions qui devaient être déclarées zones de réservation nationale qui se trouvent menacées de ce fait par la sécheresse.

La situation est encore pire sur le secteur tchécoslovaco-hongrois du Danube où durant la dernière décennie le niveau d'eau dans le chenal n'a pas atteint 2,5 m au cours d'un tiers de l'année. Tandis que la partie tchécoslovaque a modifié ses décisions, reprenant les travaux interrompus à la centrale hydraulique de Gabčikovo, qui était à peu près terminée, du côté hongrois les travaux sont restés interrompus jusqu'à présent et, suite à la dérivation du lit du fleuve, à l'existence du canal de construction, des barrages etc., les profondeurs navigables, qui n'étaient déjà pas satisfaisantes, ont encore baissé de 50 cm. C'est notamment Budapest, où siège la Commission du Danube, qui n'est pas à même de trouver une solution satisfaisante pour le secteur de Nagymaros.

Après la réalisation de la conception de la Commission du Danube concernant la régularisation du lit du Danube, le secteur du fleuve de l'embouchure à Vienne, devrait être classé dans la catégorie V ou VI et celui en amont de Vienne dans la IVême catégorie (selon la classification des voies d'cau intérieures de la CEE de l'ONU). Autrement dit , le cours supérieur du Danube pourrait être utilisé durant toute l'année par des bâtiments européens modernes d'une capacité de 1900-2000 tonnes, ainsi que par des convois de quatre unités (de 3500 tonnes environ).

De cette façon, des tâches à long terme relatives aux questions de l'élargissement du lit de cette artère navigable à grand gabarit, se posent devant la Commission du Danube, dont le Secrétariat est dirigé depuis le mois de juillet, pour la première fois et pour une période de 6 années, par un Autrichien. Dans le contexte de la connexion Rhin-Main-Danube, l'unification des normes et des réglementations de droit international en vigueur pour la navigation par voie d'eau intérieure n'est pas d'une moindre importance. Il faut attirer l'attention dans ce cadre sur la collaboration de la Commission du Danube avec la Commission Centrale pour la navigation du Rhin et, sans doute, sur celle, établie dans les limites de sa compétence, avec la Commission Economique pour l'Europe de l'ONU.

La différence fondamentale entre la Commission Centrale pour la navigation du Rhin et la Commission du Danube réside dans le fait que, se fondant sur les stipulations de la Convention de Belgrade de 1948, la Commission du Danube est composée d'une façon exclusive par les représentants des Etats riverains danubiens et que son activité est concentrée uniquement sur la solution des questions administratives relatives au régime de la navigation. Quant à la Commission Centrale pour la navigation du Rhin, celle-ci a une influence certaine sur la situation économique (par exemple le cas bien connu du déchirage des bâtiments non utilisables); cette Commission fonctionne aussi en tant qu'autorité de conciliation et d'arbitrage.

L'Allemagne, qui a été jusqu'à présent représentée à la Commission du Danube seulement en tant qu'observateur, a déclaré son désir d'adhérer à la Convention du Danube de 1948 en tant que membre à pleins droits. Restent ouvertes la question de la reconnaissance de la langue allemande en tant que langue officielle complémentaire et celle de l'exclusion du secteur Kelheim-Ulm de la compétence de la Convention.

L'adhésion de la République Fédérale d'Allemagne est non seulement saluée chaleureusement par l'Autriche, mais elle devrait être considérée comme utile dans le contexte de la liaison Rhin-Main-Danube.

Les régimes de la navigation rhénan et danubien sont fondés sur le principe de la liberté de la navigation. Sur le Rhin cet état de choses, fixé par le Protocole additionnel No 2, est limité actuellement aux Etats signataires du Protocole et aux pays de la Communauté Européenne. Nonobstant la direction étatique centralisée de l'économie des pays danubiens communistes une telle limitation n'a pas été réalisée sur le Danube.

Le nouveau développement des pays de l'ancien bloc communiste aura pour résultat la libre conquête du marché du transport. Il faudrait donc penser au fait qu'à l'avenir non seulement l'Autriche mais les autres Etats riverains aussi pourraient émettre des prétentions quant à l'Amendement au Protocole additionnel No 2, selon lequel les pays ayant le même système économique peuvent être exclus des limitations ou bien mis au même niveau. En ce qui concerne l'Autriche, la solution la plus simple serait l'examen de la thèse que j'ai mentionnée maintes fois quant à la reconnaissance de ce pays en tant qu'Etat rhénan, ce qu'il est en réalité du point de vue géographique.

Le transport international sur la voie Rhin-Main-Danube doit être considéré comme réglementé par des conventions bilatérales que la République Fédérale a déjà conclues avec presque tous les Etats danubiens. La solution de base y est la répartition à 50:50 du volume des transports, ainsi que l'établissement en commun des tarifs, qui, paraît-il, vont jouer un rôle fondamental dans les transports mixtes européens. Dans ce domaine

aussi des changements importants sur le Danube sont à prévoir. Actuellement on établit les montants des tarifs internationaux pour les transports de marchandises sur le Danube dans le cadre des Accords de Bratislava qui ont été signés par toutes les entreprises de navigation danubienne dont l'activité se déroule aussi dans la sphère des transports internationaux, comme par exemple la Bayerischer Lloyd et l'Entreprise de navigation danubienne autrichienne (DDSG). A l'avenir, la base de calcul des tarifs de transport sur le Danube ne sera plus le rouble transférable mais le franc suisse, et ceci sur la base d'un rapport de 1:2,5. Hormis cela, il faudrait compter, dans un proche avenir, sur la convertibilité des monnaies des pays de l'Europe de l'Est. Ceci entraînerait des modifications dans les conditions de la politique monétaire et tarifaire des pays qui ont actuellement un commerce étatisé. Avant toute chose, les avantages du point de vue des dépenses encourues au niveau des entreprises, proposés par le transport par voie d'eau dans le cadre des tarifs calculés dans les conditions du marché libre, apparaîtront avec évidence. Ce fait, ainsi que l'encombrement dramatique actuel des voies et des artères de transit ferroviaire et routier dans la région de l'Europe Centrale, indiquent que le transport par voie d'eau aura des tâches importantes à accomplir, tenant compte de ses réserves qui sont encore mal exploitées par les autorités nationales et internationales coordonnant le transport européen.

Dans ce sens, il faudrait examiner, en tant qu'initiative orientée vers l'avenir, le fait que des efforts pour l'élargissement et l'exploitation intensive de la flotte pour les transports RO-RO à l'aide de poids-lourds à remorque et à benne basculante sont réalisés sur le Danube. L'utilisation sur une grande échelle pour le transport des flux de marchandises déjà importants et croissant rapidement sur notre continent, des transports par voie d'eau intérieure en tant que type de transport à bas prix et n'endommageant pas l'environnement, sera une pierre de touche pour les capacités des forces politiques, ainsi que des organismes supra-nationaux de l'Europe libre qui devront trouver des solutions globales à toute une série de questions d'ordre économique, de transport et écologique.

Selon la statistique de la Commission Centrale pour la navigation sur le Rhin, la flotte internationale rhénanc comprend 18 400 unités environ avec un tonnage de 13,5 millions de tonnes environ et une puissance de 4,6 millions de kW.

La flotte internationale danubienne compte, selon la statistique de la Commission du Danube, quelque 5600 unités, d'un tonnage de 5 Mio tonnes et d'une puissance de 860 000 kW environ. La navigation rhénane dispose d'une quantité beaucoup plus grande de bâtiments automoteurs que la navigation danubienne, situation qui est expliquée non seulement par l'état arriéré de certaines flottilles, mais, partiellement, surtout par le fait que des convois plus grands ont la possibilité de naviguer sur le Danube, le transport des marchandises en vrac y étant actuel-

lement prépondérant. C'est pourquoi la navigation par la méthode du poussage y est mieux représentée que sur le Rhin. Les bâteaux-citernes sont au contraire moins répandus dans la composition de la flotte naviguant sur le Danube. Ceci s'explique par les volumes relativement modestes des huiles minérales et des produits chimiques. Sur le Rhin ces groupes de marchandises constituent 18% du volume total des transports et respectivement 10%, tandis que sur le Danube ils représentent seulement 4,5% et respectivement 1,2%.

Du point de vue des entrepreneurs, la structure de la flotte présente un tableau tout à fait différent. Tandis que sur le Rhin, presqu'une moitié du total de la flotte appartient à des entrepreneurs différents et l'on y trouve à peu près une centaine d'entreprises de navigation, sur le Danube, la Yougos-lavie exceptée, chaque Etat danubien, en général, a seulement une entreprise ou compagnie de navigation qui participe aux transports internationaux. Ceci s'expliquerait non tellement par les systèmes économiques existant jusqu'à présent, mais plutôt par les facteurs déjà mentionnés (la densité de la population et le degré d'industrialisation), ainsi que par les longues distances qui sont en moyenne 4 fois plus grandes que les distances sur lesquelles on réalise les transports en Europe de l'Ouest.

Tandis que sur le Danube il y a un manque de capacité de transport, et c'est la raison pour laquelle l'Entreprise danubienne autrichienne n'est pas à même actuellement d'accomplir ses tâches de transport de marchandises, sur le Rhin il y a eu les mesures bien connues d'assainissement du marché.

Toutefois, il faut remarquer que les conditions de navigation sur le Rhin, sur le canal Main-Danube et sur le Danube lui-même, sont tout à fait différentes. Ce n'est qu'une partie relativement réduite des flottes rhénane et danubienne qui soit adaptée à franchir d'un trait ou par étapes des distances de 3500 km, afin de réaliser un trafic ininterrompu et économique dans le cadre du transport européen.

La restructuration du transport exigera des investissements spécifiques, dirigés vers l'augmentation de la capacité
de la flotte. Le temps "de la prise d'élan" écoulé, le volume
des transports internationaux sur le Rhin-Danube-Main est évalué
à 6-7 Mio tonnes, dont la part de l'Autriche serait de 40-50%.
Une capacité de chargement de 100 bâtiments marchands européens
avec un tirant d'eau de 1900 à 2000 tonnes serait nécessaire
rien que pour le transport d'un million de tonnes par an, de
l'embouchure du Rhin jusqu'en Autriche. Par sa capacité et compte
tenu des mesures déjà adoptées en vue de son adaptation aux
documents qui règlent la navigation dans une grande partie de
l'Europe (en particulier les actes normatifs et les prescriptions
relatives au transport des marchandises dangereuses), la navigation rhénane pourrait, dans le cadre des transports européens
de l'avenir, avoir un certain avantage au moment du "start".

De cette façon la liaison Rhin-Main-Danube ouvrira d'emblée à la navigation sur la voie d'eau intérieure ouest-européenne des possibilités d'expansion plus grandes qu'à la navigation danubienne. Toutefois cette liaison est un défi aussi bien pour la région rhénane que pour la région danubienne et, avant tout, pour la future politique économique européenne dans les domaines de l'économie et des transports.

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The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary in Bratislava and surprised by the decision of the Parliament of the Republic of Hungary to sort out within the adapted budget of the Republic of Hungary 800 millions of Hungarian Forints for this year expenses connected with the demolition of the Nagymaros coffer dam and the restoration of the surrounding areas has the honour to state as follows:

In the opinion of the Ministry of Foreign Affairs of the Slovak Republic, at the moment that the procedure, based on the Special Agreement for submission to the International Court of Justice of the differences between the Republic of Hungary and the Slovak Republic concerning the Gabčíkovo-Nagymaros Project signed in Brussels on April 7, 1993, started in the Hague, the beginning of the works connected with the demolition of the Nagymaros coffer dam and the restoration of the surrounding areas would oppose the obligations of both sides to continue bona fide awaiting the Judgment of the International Court of Justice in the Hague.

The demolition of the Nagymaros coffer dam would be thus a new serious illegal step of the Republic of Hungary, following the illegal step of the suspension and and finally the termination of the works on the construction of the water work Nagymaros and corresponding part of the water work Gabčíkovo for which the Republic of Hungary is responsible according to the Treaty of 1977 and all related documents. The Ministry of Foreign Affairs of the Slovak Republic thus awaits that no such step would be realized and it would welcome the assurance from the Hungarian side.

The Ministry of Foreign Affairs of the Slovak Republic has the honour to remind that according to article 8, paragraph 1, letter d/ and article 1 and 3 of the Treaty between the Czechoslovak Socialist Republic and The Hungarian People's Republic concerning the construction and operation of the G/N System of Water Locks signed in Budapest on September 16, 1977, is a joint owner of the construction sites of the Nagymaros step and as a joint owner does not agree with its demolition.

The Ministry of Foreign Affairs of the Slovak Republic protests against the works on the demolition of the Nagymaros coffer dam and asks the competent authorities of the Republic of Hungary to reevaluate its decision and that the Republic of Hungary stops all works on the demolition of all constructions connected with the Nagymaros water work.

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, July 13, 1993

Annex 141

CERTIFICATION

I, the undersigned, Dr. Peter Tomka, Agent of the Slovak Republic, hereby certify that the copy of each document attached in Volumes 2-4 of the Memorial submitted by the Slovak Republik is an accurate copy; and that all translations prepared by Slovakia are accurate translations.

(Signed)

Dr. Peter Tomka

Agent of the Slovak Republic