

INTERNATIONAL COURT OF JUSTICE

CASE

CONCERNING THE GABČÍKOVO-NAGYMAROS

PROJECT

(HUNGARY/SLOVAKIA)

COUNTER-MEMORIAL

OF THE REPUBLIC OF HUNGARY

ANNEXES

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

VOLUME 3

5 DECEMBER 1994

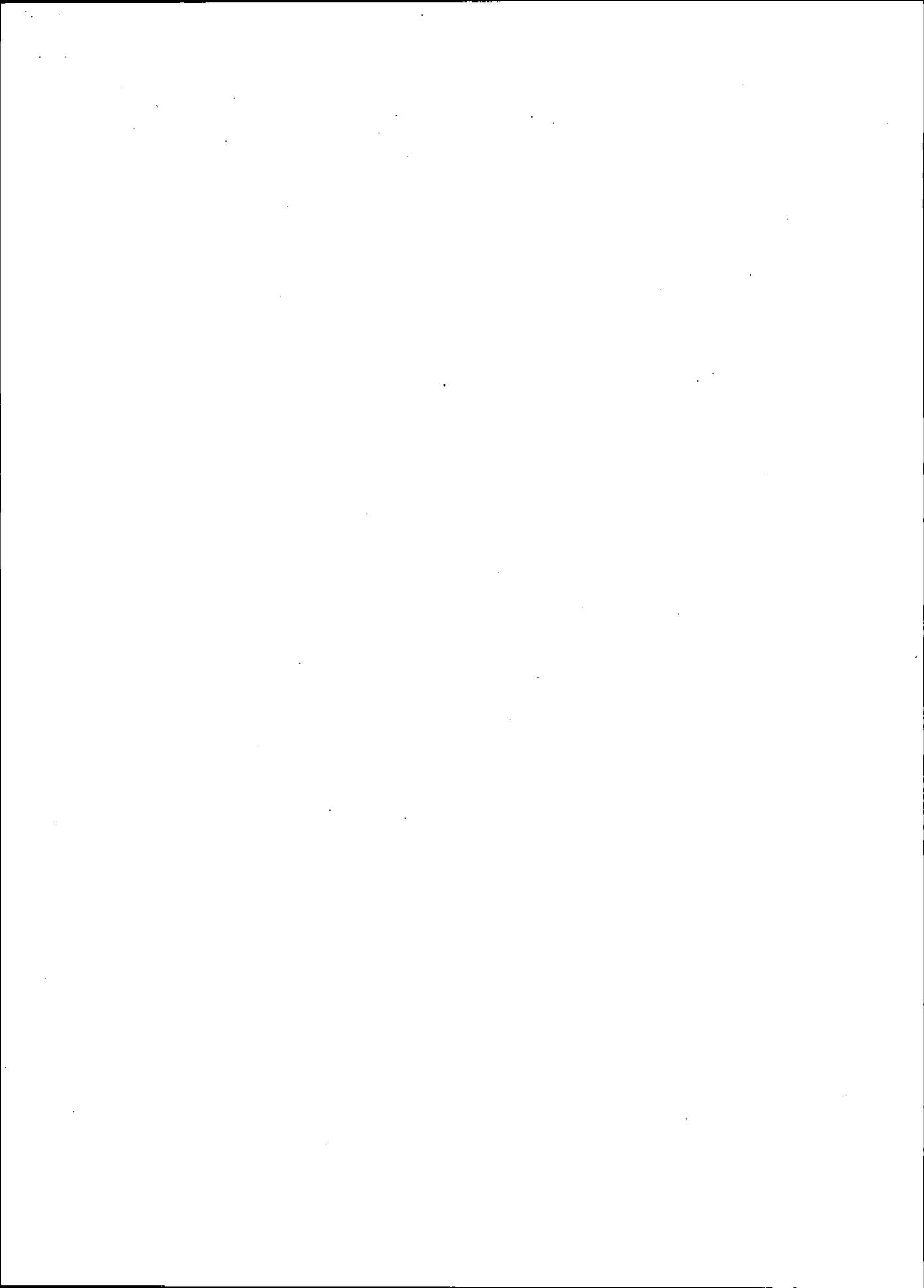


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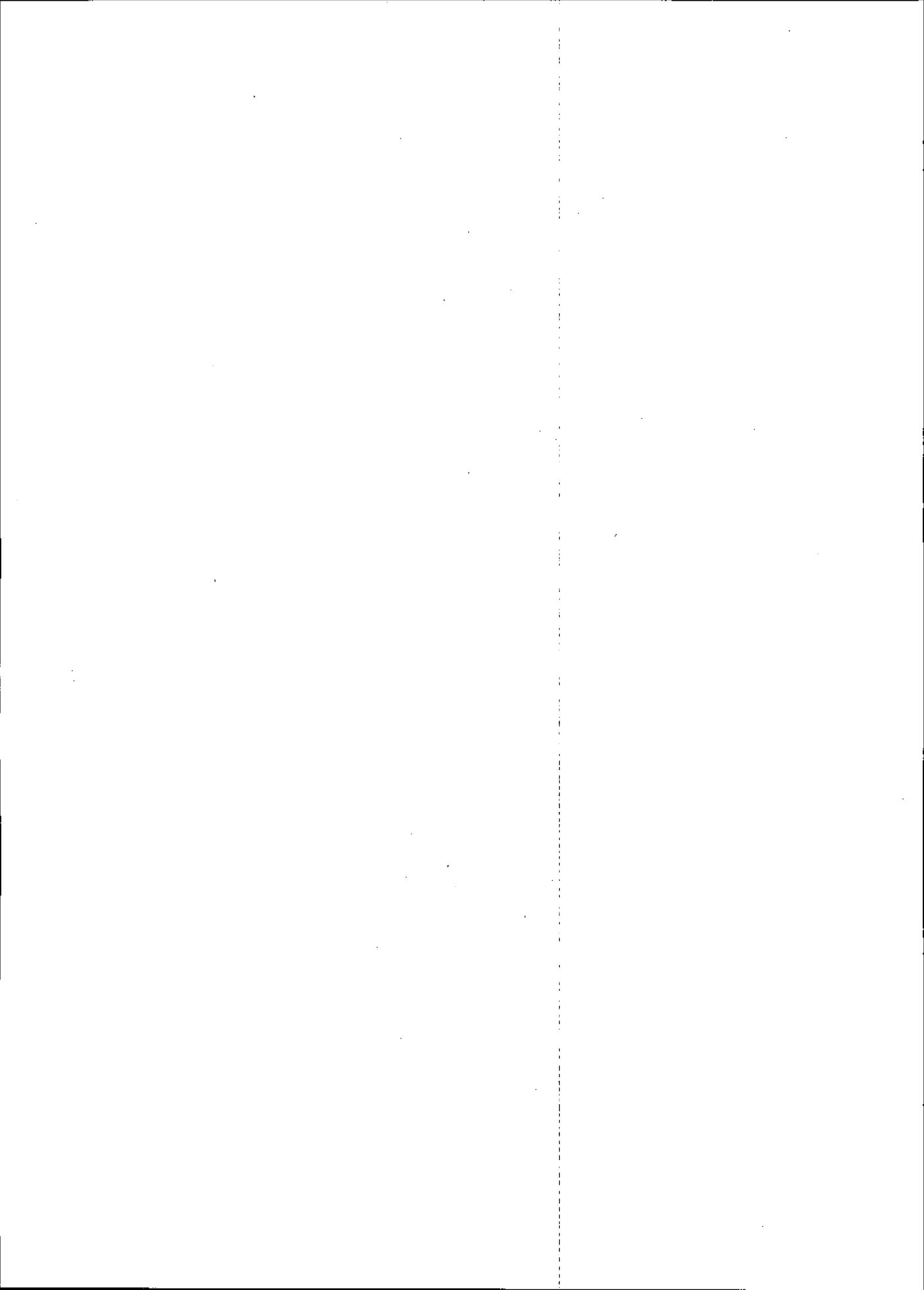
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Annex 1

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

STATE SECRETARY

J-8/V-28/1994

Budapest, May 2, 1994

Dear Mr. Registrar,

As Agent for the Government of the Republic of Hungary in the case concerning the Gabčíkovo-Nagymaros Project and in accordance with the Order of July 14, 1993, of the International Court of Justice, I have the honour to submit hereby to the Court the Memorial of Hungary in one hundred and twenty five copies as requested by the Court.

Accept, Sir, the assurances of my highest consideration.


(János Martonyi)

Agent for the Government of
the Republic of Hungary

Mr. Eduardo Valencia-Ospina
The Registrar

International Court of Justice

The Hague

Annex 2

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

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91168

10 May 1994

Nouveau numéro de téléphone : 302 2 323
 New telephone No. : 302 2 323

Sir,

I have the honour to acknowledge receipt of your letter of 5 May 1994, and note that the second set of documents referred to in your letter of 2 May 1994 was handed by you directly to the Co-Agent of Hungary in the case concerning the *Gabcikovo-Nagymaros Project*.

The documents referred to by the Hungarian Agent in his letter J-8/V-29/1994 have not yet been received in the Registry. As mentioned in my letter to you of 2 May 1994, only one set of such documents is required to comply with Article 50, paragraph 2, of the Rules of Court; if Hungary provides only one set, this will of course be available for inspection in the Registry by the representatives of the Slovak Republic. If however the Agent of Hungary emulates your courtesy in providing an additional set for the other Party, this will of course be transmitted to you without delay.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia-Ospina
 Registrar

Dr. Peter Tomka
 Agent of the Slovak Republic before
 the International Court of Justice
 Embassy of the Slovak Republic
 The Hague

cc: Dr. Peter Tomka
 Permanent Mission of the Slovak Republic
 to the United Nations
 New York

Annex 3

COUR INTERNATIONALE DE JUSTICE

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91170

16 May 1994

Sir,

I have the honour to refer to your letter of 2 May 1994 furnishing (*inter alia*) a set of copies of unpublished documents of which extracts are annexed to the Memorial of the Slovak Republic in the case concerning the *Gabcikovo-Nagymaros Project*. On examination of these, it is observed that Annexes 13 and 21 (Volume II) and 35 and 36 (Volume III) do not appear.

In the case of Annexes 13, 35 and 36, it appears that this is because the printed volumes of annexes in fact contain the whole of the document in question, in English, the language of the original. Perhaps you would be good enough to confirm that this is so; or, if not, supply any missing text.

Annex 21 however appears to be a translation into English, to which is attached a number of maps with legends not in English or French; I should therefore be obliged if you would in due course furnish a certified copy of the original text, and a set of translations of the map legends.

I am sending a copy of this letter to the Agent of the Republic of Hungary.

Accept, Sir, the assurances of my highest consideration.

Jean-Jacques Arnaldez,
 Deputy-Registrar

Dr. Peter Tomka
 Agent of the Slovak Republic before
 the International Court of Justice
 Embassy of the Slovak Republic
 The Hague

cc: Dr. Peter Tomka
 Permanent Mission of the Slovak Republic
 to the United Nations
 New York

Annex 4

COUR INTERNATIONALE DE JUSTICE

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91324

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8 June 1994

Sir,

/ I have the honour to transmit to Your Excellency herewith a copy of a communication from the Agent of Slovakia in the case concerning the GabcSkovo-Nagymaros Project (Hungary/Slovakia), received by facsimile on 6 June 1994; I also enclose a copy of the reply I have today sent to the Agent of Slovakia.

As you will observe, the Agent of Slovakia considers that his task has been made more difficult by the absence of certain documents, or of translations of certain documents, referred to in the Memorial of Hungary. In order to ensure an orderly procedure, and to avoid unnecessary delay, I would urge Your Excellency to take all steps in your power to furnish the Agent of the other Party with any additional documentation he may consider necessary.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia Ospina

Eduardo Valencia-Ospina
 Registrar

His Excellency
 Dr. János Martonyi
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

Permanent Mission of the Slovak Republic
to the United Nations
866 United Nations Plaza Suite 585, New York N.Y. 10017
Tel: (212) 9801558 Fax: 9803295

New York, June 3, 1994

Sir,

On the basis of a preliminary review of the documents submitted by Hungary as part of the filing of the Hungarian Memorial of 2 May, Slovakia finds it necessary to bring to the Court's attention the fact that Hungary's filing is incomplete in several material respects.

First, in a large number of instances, unpublished documents referred to and relied on in Hungary's Memorial have not yet been produced at all. Second, the relevant portions of such documents, relied on to support contentions set out in the text of Hungary's Memorial, have not been translated and annexed as required by the Rules of Court. Third, in many cases, quotations appearing in the text of Hungary's Memorial do not correspond to the annexed document from which the extracts are taken, leaving it uncertain as to which version Hungary relies on and to which version the certification of Hungary's Agent refers.

A few examples of these three defects in Hungary's filing will suffice to illustrate the seriousness of the problem.

Mr. Eduardo Valencia-Ospina
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

A large number of instances of the first defect, found throughout Hungary's Memorial, appear in Chapter 3. For example, paragraph 3.51 refers to a progress report allegedly submitted in May 1984 by the Hungarian Plenipotentiary. The document is described as having recalled many of the environmental concerns raised in reports of the Hungarian Academy of Sciences and in public debates. And yet, no such document, which clearly appears not to have been published, has been annexed or furnished by Hungary. Similarly, statements in paragraphs 3.55 and 3.56 rely on documents that are described in the footnotes, followed by the notation "(in Hungarian)". The documents have not been produced by Hungary with its Memorial. These are only a few of repeated examples of this defect.

The second defect also appears frequently in Hungary's Memorial. For example, two important meetings between the Prime Ministers, for which no agreed record exists, are referred to in paragraphs 3.78 (meeting of 24 May 1989) and 3.85 (meeting of 20 July 1989). The documents, identified in the footnotes to each paragraph, are described simply as reports of the Hungarian Prime Minister to the Hungarian Government, only one of which is given a date. In both instances what was allegedly said by each Prime Minister is paraphrased. As these reports are used in support of Hungary's contentions, the relevant sections at least are required by the Rules of Court (Article 50) to be annexed in translation, together with a certified copy of the entire document furnished separately. To further complicate Slovakia's task of rebuttal, paragraph 3.86 alleges that in "accordance with the tenor of the negotiations" the Hungarian Government on the same day as the meeting (20 July 1989) adopted a resolution. This document is not annexed either.

To take another example, paragraph 3.96 refers to a meeting on 11 October 1989 and paraphrases what Hungarian Prime Minister Németh allegedly said at the meeting. No translation of the relevant portion relied on has been annexed, and a copy of the entire document identified in the footnote to the paragraph has not been furnished.

Similarly, there are many instances when Hungary even quotes directly from a document that has neither been annexed (in relevant portion), nor deposited with the Registry (in its entirety). This serious defect may be found, for example, at paragraphs 3.06, 3.07, 3.12, 3.14, 3.20 and 3.21.

There are also many examples of the third problem appearing in Hungary's Memorial - where quotations in the text of the Memorial do not match the text of the corresponding annex. In paragraph 3.121, an extract of a Hungarian Parliamentary Resolution of 16 April 1994 (which took effect on 23 April) is quoted from, the full text of which appears in Annex 154. According to paragraph 3.121, the Resolution called upon the Hungarian Government, inter alia, "to conduct negotiations... on the termination by mutual consent of the (1977 Treaty)" (emphasis added). The document in Annex 154 translates this passage as "to conduct negotiations...regarding the determination by joint agreement (of the Treaty)".

To take a second example, in paragraph 3.10 the Joint Governmental Committee is cited as agreeing that there "must be the maximum profitable utilisation of the hydroelectric energy of the common Danube section". The document in Annex 14, however, relates that "utilisation be the maximum economically possible". This is quite different.

These three defects are rendered all the more serious, aside from the frequency of their recurrence, by the fact that in many cases they relate to contentions of considerable importance.

In citing examples of these defects Slovakia hopes to have shown the need for your own staff in the Registry to check the whole of Hungary's Memorial to ensure that it complies with the Rules throughout.

In the circumstances, the conclusion is warranted that Hungary has not completed the filing of its Memorial in conformity with the Order of Court setting forth a deadline of 2 May. As a result, Slovakia is necessarily delayed in the preparation of its Counter-Memorial. With each Party required by Order of the Court to submit its Counter-Memorial by 5 December 1994 - a seven-month time limit originally agreed by the Parties and set out in the Special Agreement - inequality in the treatment of the Parties will result from this failure by Hungary to observe the Rules of Court and the Court's Order. The seventh-month period was agreed and ordered by the Court on the assumption that each Party would observe the Rules of Court.

Slovakia hopes to be able to meet the 5 December deadline. However, if the missing evidence is not produced shortly, as Hungary has promised, or if Hungary fails to comply with the Court's Rules in submitting this additional evidence, Slovakia may find itself in a position where it may have to request the Court for additional time in which to prepare its Counter-Memorial. Accordingly, Slovakia reserves its position in this respect.

Accept, Sir, the assurances of my highest consideration.



Peter TOMKA

Agent of the Slovak Republic

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

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91340

8 June 1994

Sir,

I have the honour to acknowledge receipt of your letter dated 3 June 1994, and received by fax on 6 June 1994, commenting on the form of the Memorial of Hungary in the case concerning the *Gabcikovo-Nagymaros Project*. I am transmitting a copy thereof forthwith to the Agent of Hungary; but in view of your reference (page 3) to the duties of the Registry under the Rules of Court, I have to make the following observations.

Article 50, paragraph 1, of the Rules of Court provides that

"There shall be annexed to the original of every pleading certified copies of any relevant documents adduced in support of the contentions contained in the pleading."

It is clear that the manner of compliance with this provision must, in the first instance, be a matter for the party submitting the pleading; only that party can have judged at that stage whether a document is or is not relevant, and whether the contentions of the party are such that the document should be "adduced in support of them". The selection of documents may have also depended on which points are known or believed to be in issue between the parties, and which, being agreed, do not need to be proved. The Registry is of course in no position to judge such questions.

./.

Dr. Peter Tomka
 Agent of the Slovak Republic before
 the International Court of Justice
 Embassy of the Slovak Republic
 The Hague

cc: Dr. Peter Tomka
 Permanent Mission of the Slovak Republic
 to the United Nations
 New York

Moreover, the sanction for non-compliance with the requirement of Article 50, paragraph 1, is ultimately substantive rather than procedural; if an assertion made in a pleading is unsupported by evidence, and challenged by the other party, the Court will be entitled to regard that assertion as unproved, and to draw the appropriate consequences for its decision.

Accordingly, it is neither possible nor appropriate for the Registry to examine pleadings in order to ascertain whether all assertions of fact are backed by appropriate documentary evidence annexed to the pleadings. It follows also that the absence of such documentary evidence does not invalidate the filing of a pleading within the time-limit fixed. A fortiori is this so where the problem is merely one of missing translations, or of variant translations of the same document.

At the same time, it is appreciated that a party could find it difficult to present its case if the other party advances claims or assertions based on documents which appear to exist but have not been presented. In transmitting your letter to the Agent of Hungary, I am urging him to do all in his power to furnish you promptly with any additional documentation you find necessary. In order to facilitate this process, I would venture to suggest that you supply the Registry, for transmission to the Agent of Hungary with the fullest possible list of the material which appears to you to be wanting, of which only examples are given in your letter.

I am also sending the Agent of Hungary a copy of the present letter.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia O

~~Eduardo Valencia-Ospina~~
Registrar



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

AD OF THE INTERNATIONAL LAW DEPARTMENT

J-8/CR-57/1994

Budapest, 23 June 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to acknowledge receipt of your letter of 8 June 1994, forwarding a copy of a communication from the Agent of Slovakia dated 3 June 1994 together with a copy of your reply.

I have today sent to the Agent of Slovakia a letter, a copy of which is attached. I will send to you, with the hard copy of this letter, a copy of each of the documents referred to in the Annex, in the original language. In order to avoid delay, and because at this stage the contents of the documents are not in dispute, we have not had the documents translated. However, we would be very willing to do so if the Court should so request. The Republic of Hungary is happy to assure you of its full cooperation in providing to the Agent of Slovakia, and to the Court, any document referred to in the Hungarian Memorial which is considered necessary.

I note that a simple and efficient way to obtain documents referred to but not annexed in a pleading is to ask the party concerned for a copy. Hungary has in fact already asked Slovakia for a number of documents, and looks forward to receiving them.

Mr. Eduardo Valencia-Ospina
The Registrar
International Court of Justice
Palais de la Paix
2517 KJ The Hague
The Netherlands

As your letter of 8 June points out, it is not required to annex to a pleading each and every document referred to in the pleading, but only those documents which are relevant in support of the contentions contained in the pleading. Hungary's selection of documents to be annexed, from the vast array of documents produced during the 40-year history of the Project, followed the principles summarized in your letter. So -- we may assume -- did Slovakia's, since many hundreds of documents referred to in the Slovak Memorial are similarly not annexed.

In these circumstances it is quite inadmissible for Slovakia to complain of a practice which it has itself engaged in. It is equally inadmissible to suggest that such a reasonable and shared practice would give grounds for an extension of time.

Accept, sir, the assurances of my highest consideration.



György Szénási
Co-Agent of the Republic of Hungary



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD OF THE INTERNATIONAL LAW DEPARTMENT

J-8/CR-57/1994

Budapest, June 23, 1994

Dear Dr Tomka,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I refer to your letter to the Registrar of the International Court of Justice of 3 June 1994, forwarded to us by the Registrar together with a copy of his reply of 8 June 1994.

For the reasons stated in the Registrar's letter, your complaint is without justification. I attach as an Annex a response to the particular points made in your letter, and -- to the hard copy of this letter -- also a copy in the original language of the relevant documents. Hungary made -- as no doubt did Slovakia -- a considered judgment as to which of the multitude of documents produced during the course of the last 40 years it was necessary to translate and produce in support of the contentions contained in the pleading.

In this context I would refer -- for example -- to the section in the Slovak Memorial from pages 129-132, which refers to a series of meetings, communications and reports without a single reference to any annex. I would also mention the repeated references on pages 48-59 to reports on scientific aspects of the project, which reports are not annexed.

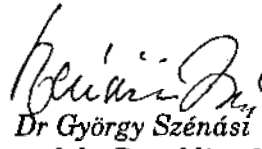
Dr Peter Tomka
Agent of the Slovak Republic

Embassy of the Slovak Republic at The Hague
The Netherlands

cc: - Dr Peter Tomka, Permanent Mission of the Slovak Republic
to the United Nations, New York;
- The Registrar, International Court of Justice, the Hague

If any document referred to but not annexed in Hungary's pleadings is of interest to you, I would be happy to provide you with a copy. I trust that this courtesy will be reciprocated.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'György Szénási', written in dark ink.

*Dr György Szénási
Co-Agent of the Republic of Hungary*

Annex

- para 3.51: The progress report is attached as Document 1. It was an internal document, one of many reports of this kind.*
- para 3.55: The three documents are attached as Documents 2, 3 and 4. They describe a debate going on as a matter of fact at the time.*
- para 3.56: The two documents are attached as Documents 3 and 5. The matters stated are, to Hungary's knowledge, not in dispute.*
- para 3.78: Attached is Németh's internal report of the 24 May 1989 meeting between Németh and Adamec as Document 6. The facts reported in the paragraph are confirmed in the Czechoslovak document by V Lokvenc which is Annex 167 of volume 4 (the reference to volume 5 in the footnote is an error). The matters stated in paragraph 3.78 are, to Hungary's knowledge, not in dispute.*
- para 3.85: The two alternatives referred to in paragraph 3.85 are contained in the document which is Annex 19 of volume 4. The oral report of the Prime Minister to the Government, referred to in footnote 115, stated that that document had been handed over. The relevant part of the official minutes of that meeting is attached as Document 7.*
- para 3.86: The Hungarian Government resolution was an internal document: it is contained in volume 4, annex 149. The content of the resolution was immediately notified to Czechoslovakia. The ensuing exchange of views with Czechoslovakia is referred to in paragraphs 3.87-3.88 of the Hungarian Memorial, and the relevant documents are annexed to it.*
- para 3.96: The internal Hungarian report is attached as Document 8. The letter from Németh to Adamec of 4 October 1989 is quoted extensively in paragraph 3.93, as well as being annexed.*
- para 3.06: Further research indicates that the Joint Technical Experts Committee held two earlier meetings the Protocols of which are attached as Documents 9 a) and b). A third meeting was held, concluding on 17 March 1953. Unfortunately, the Protocol of the third meeting cannot now be located. However, an*

terms which confirm the statements in paragraph 3.06. Those statements are to Hungary's knowledge, not in dispute.

- para 3.07: The internal report of 29 March 1954 with its annexes is attached. The first quotation is contained in one of the annexes, entitled "Questions". The second quotation is contained in the Report itself. It is referred to simply as part of the background to the dispute.*
- para 3.12: The internal report of 7 July 1956 is attached. It is referred to simply as part of the background to the dispute.*
- para 3.14: The report is attached. The matters stated in paragraph 3.14 are, to Hungary's knowledge, not in dispute.*
- para 3.20: The internal Hungarian decision of 31 October 1960 is attached. It is referred to simply as part of the background to the dispute.*
- para 3.21: The Protocol of 23 March 1963 is attached. The matters stated in paragraph 3.21 are, to Hungary's knowledge, not in dispute.*
- para 3.121: The word "determination" is a mere misprint for "termination", as is clear from the context. On the question of translations, the initial translations produced by the translators had to be revised to correct grammatical mistakes and to ensure accuracy and clarity. In this case, the change was made only in the text of the Memorial and not in the annex. As is stated in the letter of the Agent of Slovakia dated 3 June 1994, the substance of the document is the same. The word "determination" does not appear in the Memorial (as the aforementioned letter states) but in the Annex.*
- para 3.10: The points 1, 2, 6 and 11 set out in the text are accurate paraphrases of the actual document annexed. They should not have been put in inverted commas. In the context there is no difference between "maximum profitable utilisation" and utilisation which is the "maximum economically possible".*

* * *

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MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD OF THE INTERNATIONAL LAW DEPARTMENT

J-8/CR-57/1994

Budapest, June 23, 1994

Dear Dr Tomka,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I refer to your letter to the Registrar of the International Court of Justice of 3 June 1994, forwarded to us by the Registrar together with a copy of his reply of 8 June 1994.

For the reasons stated in the Registrar's letter, your complaint is without justification. I attach as an Annex a response to the particular points made in your letter, and -- to the hard copy of this letter -- also a copy in the original language of the relevant documents. Hungary made -- as no doubt did Slovakia -- a considered judgment as to which of the multitude of documents produced during the course of the last 40 years it was necessary to translate and produce in support of the contentions contained in the pleading.

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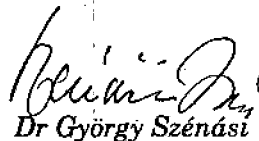
Dr Peter Tomka
Agent of the Slovak Republic

Embassy of the Slovak Republic at The Hague
The Netherlands

cc: - Dr Peter Tomka, Permanent Mission of the Slovak Republic
to the United Nations, New York;
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Annex 7

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLEX: 32323
 TÉLÉGR.: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 3022323 TELEX: 32323
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3649928

91380

28 June 1994

Sir,

Further to my letter (No. 91186) of 19 May 1994, with which I enclosed a copy of a letter addressed by the Deputy-Registrar on 16 May 1994 to the Agent of the Slovak Republic in the case concerning the *Gabcikovo-Nagymaros Project*, I have the honour to transmit to Your Excellency herewith a copy of the reply, dated 15 June 1994, of the Slovak Agent to that letter, received from New York by facsimile.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia-Ospina
 Eduardo Valencia-Ospina
 Registrar

His Excellency
 Mr. Dénes Tomaj
 Co-Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

*Státní úřad Slovenské republiky
pro Organizaci Spojených národů
New York*

*Permanent Mission of the Slovak Republic
to the United Nations
New York*

New York, June 15, 1994


Sir,

I have the honour to acknowledge receipt of your letter of 19 May 1994.

In reply to the letter of your Deputy, Mr. Arnaldez, of 16 May, 1994 I wish to clarify that Annexes 13, 35 and 36 of the Memorial of the Slovak Republic are not translations of any document in Slovak or Hungarian but they represent either explanation /Annex 13/, more detailed description /Annex 35/, or list of documents /Annex 36/ which have been specially prepared in English for the purpose of the proceedings in the International Court of Justice. For this reason no copies of original documents were included as Annexes 13, 35 and 36 into the set of the unpublished documents handed over to you on 2 May 1994.

Concerning Annex 21, you may rest assured, Sir, that I will furnish to you a set of translations of the map legends. The text which precedes these sketches /maps/ was specially prepared for the presentation to the Court and only erroneously denoted "unofficial translation". Its purpose is to provide explanation of different maps attached to it.

Accept, Sir, the assurances of my highest consideration.



Peter Tomka
Agent of the Slovak Republic

Mr. Eduardo Valencia-Ospina
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

Annex 8

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS

TÉLÉPHONE: (070) 3022323 TÉLEX: 32323

TÉLÉGR: INTERCOURT LAHAYE

TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS

TELEPHONE: (070) 3022323 TELEX: 32323

CABLES: INTERCOURT THEHAGUE

TELEFAX: (070) 3649928

91497

5 July 1994

Sir,

- / I have the honour to transmit to Your Excellency herewith a letter, dated 29 June 1994 and received in the Registry today, from the Agent of the Slovak Republic in the case concerning the *Gabcikovo-Nagymaros Project*, together with six copies of the translation of map legends (Annex 21 to the Slovak Memorial) enclosed therewith.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia-Ospina
Registrar

His Excellency
Mr. Dénes Tomaj
Co-Agent of the Republic of Hungary
before the International Court of Justice
Embassy of the Republic of Hungary
The Hague

*Stála misia Slovenskej republiky
pri Organizácii Spojených národov
New York*

*Permanent Mission of the Slovak Republic
to the United Nations
New York*

COPY

New York, June 29, 1994

Sir,

Following to my letter of June 15, 1994 and in response to the request of your Deputy, Mr. Arnaldez, contained in his letter of May 16, 1994, I have the honour to submit herewith 127 copies of the translation of the map legends appearing in the Memorial of the Slovak Republic as Annex 21 /Vol. II, pp. 405 - 436/.

I hereby certify that the translation is accurate.

Accept, Sir, the assurances of my highest consideration.

Peter Tomka

Peter Tomka
Agent of the Slovak Republic

Mr. Eduardo Valencia-Ospina
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

TRANSLATION OF THE MAP LEGENDS IN THE MEMORIAL OF THE
SLOVAK REPUBLIC, Vol. II, pp. 405-436

- p. 405: 1. Situation of the river scheme
3 river structures: Hamuliakovo, Vojka, Čičov
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.406: 2. Situation of the river scheme
6 river structures: Bratislava, Čunovo, Dobrohošť, Dunaremete,
Palkovičovo, Komárno
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.407: 3. Situation of the river and bypass scheme
2 canal structures and 1 river structure:
weir Bratislava, Šamorín, Gabčíkovo, Komárno
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p. 408: 4. Situation of the bypass scheme
2 canal structures:
weir Bratislava, Šamorín, Gabčíkovo, river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.409: 5. Situation of the river and bypass scheme
1 canal structure and 1 river structure:
weir Bratislava, Šuňany, Komárno
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.410: 6. Situation of the bypass scheme
2 canal structures - Dobrohošť, Čičov
river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.411: 7. Situation of the bypass scheme
2 canal structures - Hamuliakovo, Topoľovec
river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.412: 8. Situation of the bypass scheme
weir and canal structures
Bratislava and Gabčíkovo
Impounded water level 136,00 m above s.l. (Adriatic Sea)

- p.413: 9. Situation of the bypass scheme
weir Bratislava and canal structures Dobrohošť and Čičov
river bed dredging down to Zlatná
Impounded water level 136,50 m above s.l. (Adriatic Sea)
- p.414: 10. Situation of the bypass scheme
weir and canal structures Bratislava and Bodíky
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.415: 11. Situation of the bypass scheme
weir Bratislava, and canal structures Dobrohošť and Čičov
river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.416: 12. Situation of the bypass scheme
weir and canal structures
Hamuliakovo and Topolovec
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.417: 13. Situation of the river and bypass scheme
river structure Bratislava, weir Hrušov
canal structure Gabčíkovo
river bed deepening down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.418: 14. Situation of the bypass scheme
weir Bratislava, structures Čižstov and Gabčíkovo
river bed deepening down to Zlatná
Impounded water level 132,00 m above s.l. (Adriatic Sea)
- p.419: 15. Situation of the bypass scheme
weir Bratislava, structure Baka
river bed deepening down to Zlatná
Impounded water level 132,00 m above s.l. (Adriatic Sea)
- p.420: 16. Situation of the river scheme
3 river structures
Hamuliakovo, Vojka, Čičov
Impounded water level 132,00 m above s.l. (Adriatic Sea)
- p.421: 17. Situation of the bypass scheme
Wolfsthal-Gabčíkovo-Nagymaros
Impounded water level 132,00 m above s.l. (Adriatic Sea)

- p.422: 18. Situation of the bypass scheme
weir Dunakiliti, structure Lipót
river bed deepening down to Zlatná
Impounded water level 131,50 m above s.l. (Adriatic Sea)
- p.423: 19. Situation of the 2 bypasses scheme
weir Hrušov - structure Šuľany, river bed deepening down to Lipót
weir Bagomér - structure Vének, river bed deepening down to Zlatná
Impounded water level 131,50 m above s.l. (Adriatic Sea)
- p.424: 20. Situation of the river scheme
Wolfsthal, river structures Čilistov, Gabčíkovo, Kližská Nemá
Impounded water level 131,50 m above s.l. (Adriatic Sea)
- p.425: 21. Situation of the bypass scheme
Wolfsthal - Gabčíkovo - Nagymaros
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.426: 22. Situation of the river scheme
Wolfsthal - Vojka - Dunaszeg - Nagymaros
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.427: 23. Situation of the bypass scheme
Petržalka - Gabčíkovo II - Nagymaros
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.428: 24. Situation of the bypass and river scheme
canal structure Vojka and river structure Dunaszeg
with river bed dredging down to rkm 1780.0
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.429: M-1 Situation of the rightbank bypass
weir Bratislava, canal structure Halászi
Impounded water level 134,00 m above s.l. (Adriatic Sea)
- p.430: M-2 Situation of the river scheme
structures Jarovce, Rajka, Vojka, Lipót, Nagybjacs
Impounded water level 133,50 m above s.l. (Adriatic Sea)
- p.431: M-3 Situation of the rightbank and leftbank bypasses
weir Petržalka, structure Halászi
weir Bratislava, structure Šuľany
Impounded water level 134,00 m above s.l. (Adriatic Sea)

- p.432: M-4 Situation of the rightbank bypass
weir Bratislava, canal structure Cikolasziget
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.433: M-5 Situation of the rightbank bypass
weir Bratislava, canal structures Feketeerdo, Hédervár
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.434: Impounded water level 108,5 m a.s.l.
M-6 River power project Visegrád rkm 1696,5
rightbank power plant
M-7 River power project Visegrád rkm 1696,5
divided power plant
M-8 River power project Visegrád rkm 1696,5
pier divided power plant
M-9 River power project Visegrád rkm 1696,5
unified power plant on the right river bank
- p.435:M-10 Two-branch river structures
Kismaros and Pocsmegyer
Impounded water level 107,20 m a.s.l.
107,10 m a.s.l.
- p.436:M-11 Two-branch river structures
Kisoroszi and Ujpest
Impounded water level 107,35 m a.s.l.

Annex 9

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLEX: 32323
 TÉLÉGR.: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 3022323 TELEX: 32323
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3649928

91500

13 July 1994

Sir,

I have the honour to acknowledge receipt of your letter of 23 June 1994 (of which an advance copy was received by fax on that date), enclosing as an Annex a set of comments on points raised by the Agent of Slovakia in the case concerning the *Gabcikovo-Nagymaros Project* in his letter of 3 June 1994. I acknowledge receipt also of 14 documents, for the most part in Hungarian, identified as those referred to in the Annex, and described in the list supplied by you, of which I return one copy for reference. Due note has been taken of the fact that another set of copies of those documents has been sent by you to the Agent of Slovakia under cover of a letter of 23 June 1994 of which you have sent me a copy.

I attach for your information a copy of a letter I have today addressed to the Agent of Slovakia.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia O

~~Eduardo Valencia-Ospina~~
 Registrar

Mr. György Szénási
 Co-Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

KÖLCSÖNMINISZTERISÉG	
Magyar Köztársaság	
Értéke:	1994. július 21
Letét szám:	J-8/V/79/1994
Magyar nyelv:	2 lap

List of Documents Produced

1. Submission on current tasks related to the realization of the Gabčíkovo-Nagymaros Barrage System, May 1984.
2. Government Resolution No. 3238/1985, 15 August 1985.
3. National Water Agency, Modified Investment Proposal for the Gabčíkovo-Nagymaros Barrage System and the evaluation of its technical, ecological and economic cross-effects, July 1986.
4. Observations of the Hungarian Academy of Sciences concerning the "Submission on optimization of the peak load operation mode of the Gabčíkovo-Nagymaros Barrage System from the point of view of hydrology, energy, ecology and navigation and on the recent investigations concerning the regulation of the Old-Danube river-bed," 1986.
5. Hungarian Government Resolution No. 3388/1986, 4 December 1986.
6. Report of Prime Minister M. Németh to the Hungarian Government, 24 May 1989.
7. Report of Hungarian Prime Minister M. Németh to the Hungarian Government, 22 July 1989 (minutes of meeting of 22 July 1989 produced in relevant part).
8. Thesis of the Hungarian proposal and report on the negotiations, 11 October 1989.
9. a) Protocol I of the Joint Technical Experts Committee, 25 September 1952.
9b) Protocol II of the Joint Technical Experts Committee, 21 November 1952.
9c) National Planning Office, Report on the Third Meeting of the Joint Technical Experts Committee, 15 April 1953, signed by Mr. Görgényi and Mr. Mosonyi.
10. Hungarian Report concerning the Fourth Session of the CMEA, 29 March 1954.
11. Internal Report by Mr. Gy Osztrovszky, Hungarian Deputy Prime Minister of Chemical and Energy Affairs, 7 July 1956.
12. Report on the Consultation of 16-20 June 1957, in Prague, 25 June 1957.
13. Decision No 50/1960 NGKB/X.37, 31 October 1960 of the Hungarian Committee for International Economic Relations.
14. Protocol of the Joint Technical Expert Committee, 23 March 1963.

91501

13 July 1994

Sir,

Further to my letter of 8 June 1994, I have now received from the Agent of Hungary in the case concerning the *Gabcikovo-Nagymaros Project* a letter dated 23 June 1994 enclosing as an Annex a set of comments on the points raised by you in your letter of 3 June 1994, together with 14 documents, for the most part in Hungarian, identified as those referred to in the Annex, and described in a list submitted by the Agent of Hungary. I enclose for your information a copy of the Agent's letter of 23 June 1994, the Annex and the list of documents. It is understood that a further set of these documents has been transmitted to you directly by the Agent of Hungary.

I also attach for your information a copy of the letter I have today addressed to the Agent of Hungary.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia-Ospina
Registrar

Dr. Peter Tomka
Agent of the Slovak Republic before
the International Court of Justice
Embassy of the Slovak Republic
The Hague

cc: Dr. Peter Tomka
Permanent Mission of the Slovak Republic
to the United Nations
New York

898Slt HWAT/dd

Annex 10

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLEX: 32323
 TÉLÉCR: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3649928



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 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3649928

91504

18 July 1994

Sir,

I have the honour to transmit to Your Excellency herewith six copies of the translations, supplied by the Agent of the Slovak Republic, of the map legends appearing as Annex 21 (Vol. II, pp. 405-436) to the Slovak Memorial in the case concerning the *Gabcikovo-Nagymaros Project*. The delivery of these translations was announced by the Slovak Agent in his letter of 15 June 1994, of which a copy was transmitted to you with my letter of 28 June 1994.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia O

Eduardo Valencia-Ospina
 Registrar

His Excellency
 Mr. Dénes Tomaj
 Co-Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

TRANSLATION OF THE MAP LEGENDS IN THE MEMORIAL OF THE
SLOVAK REPUBLIC, Vol. II, pp. 405-436

- p. 405: 1. Situation of the river scheme
3 river structures: Hamuliakovo, Vojka, Čičov
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.406: 2. Situation of the river scheme
6 river structures: Bratislava, Čunovo, Dobrohošť, Dunaremete,
Palkovičovo, Komárno
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.407: 3. Situation of the river and bypass scheme
2 canal structures and 1 river structure:
weir Bratislava, Šamorín, Gabčíkovo, Komárno
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p. 408: 4. Situation of the bypass scheme
2 canal structures:
weir Bratislava, Šamorín, Gabčíkovo, river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.409: 5. Situation of the river and bypass scheme
1 canal structure and 1 river structure:
weir Bratislava, Šuňany, Komárno
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.410: 6. Situation of the bypass scheme
2 canal structures - Dobrohošť, Čičov
river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.411: 7. Situation of the bypass scheme
2 canal structures - Hamuliakovo, Topoľovec
river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.412: 8. Situation of the bypass scheme
weir and canal structures
Bratislava and Gabčíkovo
Impounded water level 136,00 m above s.l. (Adriatic Sea)

- p.413: 9. Situation of the bypass scheme
weir Bratislava and canal structures Dobrohošť and Čičov
river bed dredging down to Zlatná
Impounded water level 136,50 m above s.l. (Adriatic Sea)
- p.414: 10. Situation of the bypass scheme
weir and canal structures Bratislava and Bodíky
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.415: 11. Situation of the bypass scheme
weir Bratislava, and canal structures Dobrohošť and Čičov
river bed dredging down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.416: 12. Situation of the bypass scheme
weir and canal structures
Hamuliakovo and Topoľovec
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.417: 13. Situation of the river and bypass scheme
river structure Bratislava, weir Hrušov
canal structure Gabčíkovo
river bed deepening down to Zlatná
Impounded water level 136,00 m above s.l. (Adriatic Sea)
- p.418: 14. Situation of the bypass scheme
weir Bratislava, structures Čílistov and Gabčíkovo
river bed deepening down to Zlatná
Impounded water level 132,00 m above s.l. (Adriatic Sea)
- p.419: 15. Situation of the bypass scheme
weir Bratislava, structure Baka
river bed deepening down to Zlatná
Impounded water level 132,00 m above s.l. (Adriatic Sea)
- p.420: 16. Situation of the river scheme
3 river structures
Hamuliakovo, Vojka, Čičov
Impounded water level 132,00 m above s.l. (Adriatic Sea)
- p.421: 17. Situation of the bypass scheme
Wolfsthal-Gabčíkovo-Nagymaros
Impounded water level 132,00 m above s.l. (Adriatic Sea)

- p.422: 18. Situation of the bypass scheme
weir Dunakiliti, structure Lipót
river bed deepening down to Zlatná
Impounded water level 131,50 m above s.l. (Adriatic Sea)
- p.423: 19. Situation of the 2 bypasses scheme
weir Hrušov - structure Šuľany, river bed deepening down to Lipót
weir Bagomér - structure Vének, river bed deepening down to Zlatná
Impounded water level 131,50 m above s.l. (Adriatic Sea)
- p.424: 20. Situation of the river scheme
Wolfsthal, river structures Čilistov, Gabčíkovo, Kľižská Nemá
Impounded water level 131,50 m above s.l. (Adriatic Sea)
- p.425: 21. Situation of the bypass scheme
Wolfsthal - Gabčíkovo - Nagymaros
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.426: 22. Situation of the river scheme
Wolfsthal - Vojka - Dunaszeg - Nagymaros
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.427: 23. Situation of the bypass scheme
Petržalka - Gabčíkovo II - Nagymaros
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.428: 24. Situation of the bypass and river scheme
canal structure Vojka and river structure Dunaszeg
with river bed dredging down to rkm 1780.0
Impounded water level 131,10 m above s.l. (Adriatic Sea)
- p.429: M-1 Situation of the rightbank bypass
weir Bratislava, canal structure Halászi
Impounded water level 134,00 m above s.l. (Adriatic Sea)
- p.430: M-2 Situation of the river scheme
structures Jarovce, Rajka, Vojka, Lipót, Nagybjacs
Impounded water level 133,50 m above s.l. (Adriatic Sea)
- p.431: M-3 Situation of the rightbank and leftbank bypasses
weir Petržalka, structure Halászi
weir Bratislava, structure Šuľany
Impounded water level 134,00 m above s.l. (Adriatic Sea)

p.432: M-4 Situation of the rightbank bypass
weir Bratislava, canal structure Cikolasziget
Impounded water level 136,00 m above s.l. (Adriatic Sea)

p.433: M-5 Situation of the rightbank bypass
weir Bratislava, canal structures Feketeerdo, Hédervár
Impounded water level 136,00 m above s.l. (Adriatic Sea)

p.434: Impounded water level 108,5 m a.s.l.

M-6 River power project Visegrád rkm 1696,5
rightbank power plant

M-7 River power project Visegrád rkm 1696,5
divided power plant

M-8 River power project Visegrád rkm 1696,5
pier divided power plant

M-9 River power project Visegrád rkm 1696,5
unified power plant on the right river bank

p.435:M-10 Two-branch river structures
Kismaros and Pocsmegyer
Impounded water level 107,20 m a.s.l.
107,10 m a.s.l.

p.436:M-11 Two-branch river structures
Kisoroszi and Ujpest
Impounded water level 107,35 m a.s.l.

Permanent Mission of the Slovak Republic to the United Nations
866 United Nations Plaza, Suite 585, New York, N.Y. 10017
Phone: 212-980 1558 Fax : 212-980 3295

3 August 1994

Dear Dr. Szénási,

I have the honour to acknowledge receipt of your letter of 23 June 1994.

I feel obliged to respond directly to your allegation that the Slovak Memorial has also referred to documents without annexing them. The specific complaints, in your above letter, were as follows:

"In this context I would refer - for example - to the section in the Slovak Memorial from pages 129-132, which refers to a series of meetings, communications and reports without single reference to any annex. I would also mention the repeated references on pages 48-59 to reports on scientific aspects of the project, which reports are not annexed".

These complaints are without foundation.

I would like to point out that pages 129-132 form Section I to Chapter IV, which constitutes a resumé of events that are dealt with in detail in the following sections. In fact, the documents relating to the meetings, communications and reports referred to at pages 129-132 are annexed as appropriate in these following sections. I am surprised that it was not clear that pages 129-132, entitled "Preliminary Points", were not more than a list of preliminary points that were discussed in full later, with references to relevant documents.

I am also extremely surprised by your comment relating to pages 48-59 of the Slovak Memorial. It is assumed that this comment does not relate to scientific works such as the Bechtel and HQI reports, the relevant sections of which are indeed annexed to Slovakia's Memorial, but to the many hundreds of background works to the G/N Project listed in Slovakia's Annexes 23 and 24. These two Annexes are adduced in support of contention that the G/N Project was indeed very carefully researched. This contention does not relate to the individual findings of specific reports, but to the fact of their existence. The actual contents of the reports are not relevant to the contention and there is therefore no need to annex the individual reports. In accordance with Article 50, paragraph 1 of the Rules of Court, detailed lists that evidence the reports' existence are however annexed.

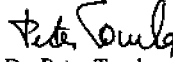
Slovakia does not consider that it has shared Hungary's practice in relation to the annexing of documentary evidence in any way.

Dr. György Szénási
Co-Agent of the Republic of Hungary
Ministry of Foreign Affairs

B u d a p e s t

Finally, I thank you for your offer to supply copies of any documents referred to in Hungary's Memorial but not annexed thereto. I must however reiterate Slovakia's belief that it is for Hungary to supply the evidence relating to the contentions contained in its Memorial without encouragement from Slovakia. In addition, now that Memorials have been filed, Slovakia believes it inappropriate for requests for documents to be made except through the Registry.

Yours sincerely,



Dr. Peter Tomka
Agent of the Slovak Republic



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

Annex 12

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT
J-8/V/87/1994

Budapest, 9 August 1994

Sir,

Re.: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia).

With reference to your letter to the Registrar of the International Court of Justice of 3 June 1994, I have the honour to enclose herewith a copy of a letter sent to the Registrar of the International Court of Justice. I also enclose a duplicate set of the original documents referred to in the annexes of the Hungarian memorial.

Please find attached a copy of the letter of His Excellency Mr István Szent-Iványi, State Secretary for Foreign Affairs of the Republic of Hungary to Mr. Eduardo Valencia-Ospina on the appointment of the new Agent to the Court.

Please accept, Sir, the assurances of my highest consideration.

Dr György Szénási
Agent of the Republic of Hungary

Dr Petér Tomka
Agent of the Slovak Republic
Embassy of the Slovak Republic
The Hague

c/o: Dr Peter Tomka
Permanent Mission of the
Slovak Republic to the United Nations
New York





MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT
J-8/V/87/1994

Budapest, 9 August 1994

Sir,

Re.: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to present to the Court copies of the original documents referred to in the annexes of the Hungarian Memorial. A duplicate set of these documents has been forwarded to the Agent of Slovakia. The submission of these documents is in order to comply with the requirements of Article 50, paragraph 2 of the Rules of Court.

Where minor errors in the Hungarian Memorial affect the above a note is included in the appropriate file.

Please accept, Sir, the assurances of my highest consideration.

Dr György Szénási
Agent of the Republic of Hungary



Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice
Palais de la Paix
2517 KJ The Hague
The Netherlands


**MINISTRY OF FOREIGN AFFAIRS
 OF THE REPUBLIC OF HUNGARY**

STATE SECRETARY

J-8/V/82/1994

Budapest, 9 August 1994

Sir,

Re.: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

With reference to the Joint Declaration of June 1993, submitted by the Government of the Republic of Hungary and the Slovak Republic, I have the honour to inform you of the following:

The Government of the Republic of Hungary, by its decision No 2074/1994 of July 25 1994 has appointed Dr György Szénási, Head of the International Law Department of the Ministry of Foreign Affairs of the Republic of Hungary to succeed His Excellency Dr János Martonyi, State Secretary of the Ministry of Foreign Affairs of the Republic of Hungary as Agent for the Republic of Hungary for the purposes of the present case. The address of the Agent for service at the seat of the Court remains unchanged.

Please accept, Sir, the assurances of my highest consideration.

István Szent-Iványi
 (István Szent-Iványi)

*Mr Eduardo Valencia-Ospina
 The Registrar
 International Court of Justice
 Palais de la Paix
 2517 KJ The Hague
 The Netherlands*





MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

Annex 13

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT
J-8/V/87/1994

Budapest, 9 August 1994

Sir,

Re.: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to present to the Court copies of the original documents referred to in the annexes of the Hungarian Memorial. A duplicate set of these documents has been forwarded to the Agent of Slovakia. The submission of these documents is in order to comply with the requirements of Article 50, paragraph 2 of the Rules of Court.

Where minor errors in the Hungarian Memorial affect the above a note is included in the appropriate file.

Please accept, Sir, the assurances of my highest consideration.

Dr György Szénási
Agent of the Republic of Hungary



Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice
Palais de la Paix
2517 KJ The Hague
The Netherlands



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

Annex 14

STATE SECRETARY

J-8/V/82/1994

Budapest, 9 August 1994

Sir,

Re.: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

With reference to the Joint Declaration of June 1993, submitted by the Government of the Republic of Hungary and the Slovak Republic, I have the honour to inform you of the following:

The Government of the Republic of Hungary, by its decision No 2074/1994 of July 25 1994 has appointed Dr György Szénási, Head of the International Law Department of the Ministry of Foreign Affairs of the Republic of Hungary to succeed His Excellency Dr János Martonyi, State Secretary of the Ministry of Foreign Affairs of the Republic of Hungary as Agent for the Republic of Hungary for the purposes of the present case. The address of the Agent for service at the seat of the Court remains unchanged.

Please accept, Sir, the assurances of my highest consideration.

István Szent-Iványi

(István Szent-Iványi)

Mr Eduardo Valencia-Ospaña
The Registrar
International Court of Justice
Palais de la Paix
2517 KJ The Hague
The Netherlands



Annex 15

COUR INTERNATIONALE DE JUSTICE INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2317 NJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLÉX: 32323
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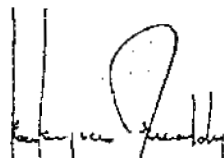
91653

9 August 1994

Sir,

/ I have the honour to transmit to you herewith a copy of a letter, dated 3 August 1994 and received in the Registry by facsimile, from the Agent of Slovakia in the case concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia).

Accept, Sir, the assurances of my highest consideration.


 Jean-Jacques Arnaldez
 Deputy-Registrar

His Excellency
 Dr. János Martonyi
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

COPY

Permanent Mission of the Slovak Republic to the United Nations
 866 United Nations Plaza, Suite 585, New York, N.Y. 10017
 Phone: 212-980 1558 Fax: 212-980 3295

3 August 1994

Sir,

I have the honour to refer to your letter of 13 July 1994 forwarding the comments of the Co-Agent of Hungary on my letter to you of 3 June. I find it necessary in the light of Hungary's letter to expand on the points raised by me on 3 June.

I hasten to say that Slovakia is in complete accord with the observation contained in your letter of 8 June 1994 that, in the first instance, the manner of compliance with the provision of Article 50, paragraph 1 of the Rules of Court is a matter for the party submitting the pleading to judge. But Slovakia's letter of 3 June was not intended to address the issue where contentions made by the party are not supported by evidence. Slovakia's complaint is different and is genuinely procedural because it concerns instances where Hungary's contentions are said to be supported by documentary evidence specifically referred to or cited in Hungary's Memorial but neither annexed nor furnished to the Court. The gravity of this problem can be seen, for example, in the fact that paragraph 3.06 of the Hungarian Memorial specifically quotes from a document which the Hungarian Co-Agent informs us (in his 23 June letter at page 3) "cannot now be located".

Hungary's Memorial is therefore considered to be incomplete by Slovakia - a view which was also originally shared by the Hungarian Agent. You will recall, Sir, that on 2 May, when Memorials were filed and exchanged at the meeting in your office, the Hungarian Agent undertook, in his letter to you of that date, to provide the Court "shortly" with a folder containing original documents not yet filed with the Court by Hungary.

In my letter to you of 5 May, I asked that these documents be furnished to me as soon as received, and in your reply of 10 May you indicated that the Hungarian documents had yet to be received. On 17 May, the Co-Agent of Hungary wrote to you saying that "the arrangement and copying of the documents is in progress so the Government of the Republic of Hungary will shortly provide a set of the original documents" both to the Registry and to the Agent of Slovakia.

Mr. Eduardo Valencia-Ospina
 Registrar
 International Court of Justice
 Peace Palace
 The Hague

My letter to you of 3 June was prompted by the fact that not only had Slovakia not yet received the promised folder of original documents but also, after reading Hungary's Memorial, Slovakia had discovered how extensive the problem of missing documents was.

Today, three months after the date of filing of the Memorials, the promised folder of original documents - to complete Hungary's filing of its Memorial - has still not been received by Slovakia.

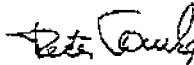
In the meantime, Hungary has taken several other actions. First, in his 23 June letter, the Co-Agent of Hungary stated that he would furnish to the Registrar a copy in the original language of the document singled out in Slovakia's 3 June letter. It was not until 6 July that some documents were actually handed over to Slovakia. And it is evident that the documents are not the promised "folder of documents".

Secondly, both informally and formally through diplomatic channels, Hungary has approached Slovakia requesting a number of other documents. Slovakia is of the view that this is not the correct procedure for the submission of evidence in a case before the Court once both Memorials have been filed. This procedure would only serve to confuse the question of what evidence has been adduced and furnished by the Parties in accordance with the Rules of Court.

Hungary cannot evade the burden of proving its case by placing the onus of requesting documentary evidence onto Slovakia and by introducing a procedure that would result in total confusion as to what evidence had been produced. The proper channel through the Registry must be vigorously maintained now that Memorials have been filed to ensure that your expert control over the submission of evidence is exercised.

Finally, I cannot but reject the Hungarian Co-Agent's allegation that the Slovak Memorial has also referred to documents without annexing them. I have specifically addressed this erroneous allegation in my letter to the Hungarian Co-Agent, a copy of which is enclosed herewith for your information.

Accept, Sir, the assurances of my highest consideration.



Dr. Peter Tomka
Agent of the Slovak Republic

J-8/V/92/1994

Budapest, 11 August 1994

Dear Dr Tomka,

I have the honour to acknowledge receipt of your letter of 3 August 1994.

The substance of the issues dealt with in that letter is a matter for the further pleadings of the parties, as pointed out by the Registrar. Under these circumstances I need only reiterate Hungary's offer to make available such further documents, referred to but not annexed in Hungary's Memorial, as may sought by Slovakia, and express the hope that Slovakia will reciprocate.

In that context, I refer to the Note Verbale addressed by the Ministry to the Embassy of the Slovak Republic in Budapest on 27 June 1994 (copy attached), and would be grateful to know that the documents referred to will be made available.

I am sending a copy of this letter to the Registrar.

Yours Sincerely,



(Dr György Szénási)
Agent of the Republic of Hungary

Dr Peter Tomka
Agent of the Slovak Republic
Embassy of the Slovak Republic
The Hague

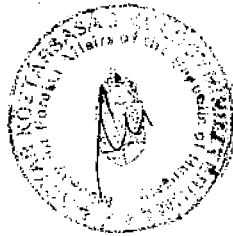
J-8/V/68/1994.

NOTE VERBALE

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and has the honour to request copies of the attached documents to which a reference was made in the Slovak Memorial. It would be appreciated if these documents could be forwarded at an earliest opportunity.

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

Budapest, 27 June, 1994.



EMBASSY OF THE SLOVAK REPUBLIC

BUDAPEST

List of Documents/References to be Requested from the Slovak Party

1. The special reports presented in stages to the Hungarian Academy of Sciences on the Bioproject, referred to on page 52, footnote 10 of the Memorial.
2. The study compiled by URBION (1986) updating the Bioproject, referred to in ¶ 2.22, page 54 of the Memorial.
3. The "Summary documentation on the G/N Project", study number 15 in Annex 24 of the Memorial.
4. The studies on forest ecosystems, ground water, location alternatives, protection measures and water quality (10 studies total), referred to in Annex 24 of the Memorial. Specifically, the studies numbered: 14, 23, 77, 106, 107, 108, 109, 110, 114, 118.
5. The studies done by VITUKI, Budapest, on the regulation of ground water levels in the areas adjacent to the old riverbed, referred to in ¶ 2.16, page 51 of the Memorial.

J-8/V/92/1994

Budapest, 11 August 1994

Sir,

Re.: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to inform you that I have today, sent to the Agent of Slovakia a letter, a copy of which is attached. I also enclose, for your information, a copy of the Note Verbale of 27 June 1994 referred to in that letter together with its accompanying list of requested documents.

Accept Sir, the assurances of my highest consideration.



(Dr György Szénási)
Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice
Palais de la Paix
2517 KJ The Hague
The Netherlands

J-8/V/92/1994

Budapest, 11 August 1994

Dear Dr Tomka,

I have the honour to acknowledge receipt of your letter of 3 August 1994.

The substance of the issues dealt with in that letter is a matter for the further pleadings of the parties, as pointed out by the Registrar. Under these circumstances I need only reiterate Hungary's offer to make available such further documents, referred to but not annexed in Hungary's Memorial, as may sought by Slovakia, and express the hope that Slovakia will reciprocate.

In that context, I refer to the Note Verbale addressed by the Ministry to the Embassy of the Slovak Republic in Budapest on 27 June 1994 (copy attached), and would be grateful to know that the documents referred to will be made available.

I am sending a copy of this letter to the Registrar.

Yours Sincerely,



(Dr György Szénási)
Agent of the Republic of Hungary

Dr Peter Tomka
Agent of the Slovak Republic
Embassy of the Slovak Republic
The Hague

J-8/V/68/1994.

NOTE VERBALE

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and has the honour to request copies of the attached documents to which a reference was made in the Slovak Memorial. It would be appreciated if these documents could be forwarded at an earliest opportunity.

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

Budapest, 27 June, 1994.



EMBASSY OF THE SLOVAK REPUBLIC

BUDAPEST

List of Documents/References to be Requested from the Slovak Party

1. The special reports presented in stages to the Hungarian Academy of Sciences on the Bioproject, referred to on page 52, footnote 10 of the Memorial.
2. The study compiled by URBION (1986) updating the Bioproject, referred to in ¶ 2.22, page 54 of the Memorial.
3. The "Summary documentation on the G/N Project", study number 15 in Annex 24 of the Memorial.
4. The studies on forest ecosystems, ground water, location alternatives, protection measures and water quality (10 studies total), referred to in Annex 24 of the Memorial. Specifically, the studies numbered: 14, 23, 77, 106, 107, 108, 109, 110, 114, 118.
5. The studies done by VITUKI, Budapest, on the regulation of ground water levels in the areas adjacent to the old riverbed, referred to in ¶ 2.16, page 51 of the Memorial.

Annex 18

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3824441 TÉLEX: 32323
 TÉLÉGR: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 3824441 TELEX: 32323
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3649928

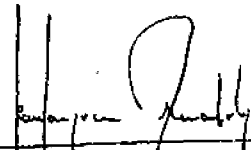
91674

16 August 1994

Sir,

I have the honour to acknowledge receipt of the letter, dated 9 August 1994 and received in the Registry by facsimile on 11 August 1994, by which H.E. Mr. István Szent-Iványi, State Secretary for Foreign Affairs of the Republic of Hungary, informed the Court of your appointment as Agent of Hungary in the case concerning the Gabcíkovo-Nagymaros Project (Hungary/Slovakia), to succeed H.E. Mr. János Martonyi. Due note has been taken of this appointment.

Accept, Sir, the assurances of my highest consideration.



Jean-Jacques Arnaldez
 Deputy-Registrar

Mr. György Szénási
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

Annex 19

COUR INTERNATIONALE DE JUSTICE INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLEX: 32323
 TÉLÉGR: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 3022323 TELEX: 32323
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3649928

91686

25 August 1994

Sir,

I have the honour to acknowledge receipt of your letter of 9 August 1994, and a set of original-language documents referred to in the annexes to the Memorial of Hungary in the case concerning the *Gabcikovo-Nagymaros Project*, referred to therein. These documents, and the covering letter, were handed to me today by His Excellency Mr. Dénes Tomaj, Co-Agent of Hungary.

Accept, Sir, the assurances of my highest consideration.

H.W.A. Thirlway,
 Acting Registrar

Mr. György Szénási
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
TÉLÉPHONE: (070) 3022323 TÉLEX: 32323
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TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
TELEPHONE: (070) 3022323 TELEX: 32323
CABLES: INTERCOURT THEHAGUE
TELEFAX: (070) 3649928

91687

25 August 1994

Sir,

I have the honour to acknowledge receipt of your letter of 11 August 1994 enclosing a copy of a letter addressed by you on that date to the Agent of the Slovak Republic in the case concerning the *Gabcikovo-Nagymaros Project*, and copies of the enclosures to that letter.

Accept, Sir, the assurances of my highest consideration.

A handwritten signature in dark ink, appearing to read 'H.W.A. Thirlway'.

H.W.A. Thirlway,
Acting Registrar

Mr. György Szénási
Agent of the Republic of Hungary
before the International Court of Justice
Embassy of the Republic of Hungary
The Hague



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

Annex 21

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/1994

Budapest, 6 September 1994

Dear Dr Tomka,

I refer to your letter of 3 August 1994, in which you responded "to the allegation that the Slovak Memorial has also referred to documents without annexing them". I would only point out that, in relation to the studies described on pages 48-59 of the Slovak Memorial but not annexed, the Memorial makes the following statements:

- * "These studies showed that the Project was sustainable in environmental terms." (paragraph 2.14)
- * "These studies demonstrated to the satisfaction of the parties that the Project would not affect surface or ground water in an unacceptably negative way and, to the contrary, would lead to certain specific improvements in water quality." (paragraph 2.15)

Although you say that the studies are listed not in order to rely on "the findings of specific reports, but to the fact of their existence", this is not the case in paragraphs such as the above.

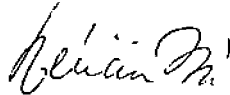
Other examples of the practice in the Slovak Memorial could be cited - the undocumented reference to a statement by the Czechoslovak Foreign Minister in Prague on 15 May 1989 (Slovak Memorial, paragraphs 4.01 and 4.09), to give just one example.

Dr Peter Tomka
Agent of the Slovak Republic
Embassy of the Slovak Republic at The Hague
The Netherlands

Our two governments are plainly enough in disagreement about many substantive issues relating to this case, but I hope I may be allowed to express the view that procedural wrangling is unnecessary for the purposes of elaborating our respective positions before the Court.

I enclose copies of three letters written today to the Registrar.

Yours sincerely,



Dr György Szénási
Agent of the Republic of Hungary





MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/1/1994

Budapest, 6 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to acknowledge receipt of your letter of 9 August 1994, forwarding a copy of a communication from the Agent of Slovakia dated 3 August 1994.

Having regard to the comments made in your letter to the Agent of Slovakia of 8 June 1994, and in my letter of 23 June 1994 to you, I see no point in continuing the correspondence initiated by the Agent of Slovakia. My letter of 23 June 1994 responded to each of the points made in Mr Tomka's letter of 3 June 1994, and provided documents in support of each of those responses.

Copies of the original documents annexed to the Hungarian Memorial have been deposited with the Court and a duplicate set forwarded to the Agent of Slovakia.

I have replied directly to Dr Tomka in relation to his letter of 3 August 1994.

Accept, Sir, the assurances of my highest consideration.

György Szénási
Dr György Szénási

Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice

Palais de la Paix

2517 KJ The Hague
The Netherlands





MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/2/1994

Budapest, 6 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia): Errata to the Hungarian Memorial

I enclose a list of errata noticed in the Hungarian Memorial. I have sent a copy of this list to the Agent of Slovakia.

Accept, sir, the assurances of my highest consideration.

Dr György Szénási
Agent of the Republic of Hungary



Mr Eduardo Valencia-Ospina

The Registrar

International Court of Justice

Palais de la Paix

2517 KJ The Hague

The Netherlands

Memorial of the Republic of Hungary

List of Errata

Volume 1

1. p.11, para 2.06: The quotation needs ellipsis as follows: "is ... the sole successor".
2. pp. 18 and 19, para 3.10: The quotation marks should be omitted.
3. p. 71, para 3.126: The citation should be to Vol 4, annex 49, and not to Annex 48.
4. p.73, para 3.128: The citation should be to Vol 5, annex 10, and not to Vol 4, annex 10.
5. p. 78, para 3.143: The last 3 words in quotation marks "of various scenarios" should have been bracketed.
6. p. 80, para 3.147: The first line should read "he added that Czechoslovakia commit itself to not undertake work in the Danube's bed until July 1992".
7. p. 85, para 3.161: The citation should be to Vol 4, annex 157, and not to Annex 15.
8. p. 99, para 3.196: The citation should be to p. 58, and not to p. 31.
9. pp. 103-104, fn. 246: The citation should be to Annex 115, and not to Annex 116.
10. p. 104, para 3.209: The text should read "6.", not "9."
11. p.105, para 3.213: The quotation should include the word "new" before the word "constructions" and the words "underground water, quality of" before the words "surface water".
12. p. 131, para 4.49: The quotation should include the words "or temporarily" after "permanently".
13. p. 190, para 6.33: The citation should be to Annex 24, vol. 4, and not to Annex 25.
14. p. 193, fn. 27: The citation should be to pp. 171-172, and not to pp. 173-174.
15. p. 194, para 6.44: The words "while the actual scope of the project is still unclear" should read "[while] . . . the actual scope of the project is still unclear."
16. p. 261, para 9.07: For "31 August" read "1 September".
17. p. 323, para 10.111: The first line of the paragraph (top line of the text) is missing. It should read as follows:

"10.111. As to the law of State succession, it is clear that the 1977 Treaty is not a boundary treaty. Hungary had sought changes to the ...".

18. List of Annexes, p. 507: The caption for Vol. 4, annex 97, should read: "LETTER FROM MR JOZEF MORAVCIK, CZECHOSLOVAK MINISTER FOR FOREIGN AFFAIRS TO MR. GÉZA JESZENSZKY."

Annexes

19. Vol 3, annex 11, p. 121: This annex should be deleted.
20. Vol 3, annex 22, p. 295: Article 5 should read "This Agreement enters into force on the same day as the Treaty".
21. Vol 4, annex 13, p. 27: "submission" should read "sub-commission" throughout the document.
22. Vol 4, annex 15, p. 32: The title of the document should read "Report for ..." and not "Report of ...".
23. Vol 4, annex 82, p. 151: In the first sentence of the third paragraph the words "Government is unable to meet our request for a moratorium" should be inserted after the word "Czechoslovak".
24. Vol 4, annex 88, p. 191: In the first sentence of the letter the words "work of severing the" should be inserted before the words "Danube's flow".
25. Vol 4, annex 95, p. 203: This document is misdated; the original document is dated 18 August 1992, and is identical to Annex 92.
26. Vol 4, annex 122, p. 274: This document is not the 19 July 1993 letter from Mr. Benavides referred to in para 3.213, p. 105, of the Hungarian Memorial. That letter will be annexed to Hungary's Counter-Memorial.
27. Vol 4, annex 143, p. 341: The document should be dated 28 March 1994.

In addition, due to a computer error in finalising the annexes, a number of translations of annexed documents were overridden by the penultimate version of the translation. In each case the document as quoted in volume 1 of the Memorial is the checked and corrected version of the translation. In no case is there any material difference between the version of translation quoted and that annexed. This error affects the following documents: Volume 4: annexes 3, 4, 24, 28, 86, 96, 154, 156 and 157; Volume 5: annexes 2 and 3. The corrected translations of these documents will be annexed to the Hungarian Counter-Memorial.



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/3/1994

Budapest, 6 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I refer to your letter of 9 August 1994, forwarding a copy of a communication from the Agent of Slovakia dated 3 August 1994. In that letter the Agent of Slovakia declined to provide to Hungary any documents except through the channel of the Court, on the ground that "this is not the correct procedure for the submission of evidence in a case before the Court once both Memorials have been filed". This misconceives the purpose of the Hungarian request, which was to gain access to certain documents referred to by the other party with a view to determining whether those documents *should* be put in evidence before the Court as annexes to subsequent pleadings.

Having regard, however, to the attitude of the Agent of Slovakia, I would be grateful if you would ask him to provide, through you, a copy of each of the documents listed in the attachment to this letter. Those marked with an asterisk have already been requested from the Slovak Government but have not been provided. I would be grateful if you would ask him to provide each of the listed documents as soon as possible.

Accept, sir, the assurances of my highest consideration.

Dr György Szénási

Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina

The Registrar

International Court of Justice

Palais de la Paix

2517 KJ The Hague

The Netherlands





MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/1/1994

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I have replied directly to Dr Tomka in relation to his letter of 3 August 1994.

Accept, Sir, the assurances of my highest consideration.

Dr György Szénási
Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice

Palais de la Paix

2517 KJ The Hague
The Netherlands





MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/2/1994

Budapest, 6 September 1994

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(Hungary/Slovakia): Errata to the Hungarian Memorial

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Agent of the Republic of Hungary



Mr Eduardo Valencia-Ospina

The Registrar

International Court of Justice

Palais de la Paix

2517 KJ The Hague

The Netherlands

Memorial of the Republic of Hungary

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MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/3/1994

Budapest, 6 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I refer to your letter of 9 August 1994, forwarding a copy of a communication from the Agent of Slovakia dated 3 August 1994. In that letter the Agent of Slovakia declined to provide to Hungary any documents except through the channel of the Court, on the ground that "this is not the correct procedure for the submission of evidence in a case before the Court once both Memorials have been filed". This misconceives the purpose of the Hungarian request, which was to gain access to certain documents referred to by the other party with a view to determining whether those documents *should* be put in evidence before the Court as annexes to subsequent pleadings.

Having regard, however, to the attitude of the Agent of Slovakia, I would be grateful if you would ask him to provide, through you, a copy of each of the documents listed in the attachment to this letter. Those marked with an asterisk have already been requested from the Slovak Government but have not been provided. I would be grateful if you would ask him to provide each of the listed documents as soon as possible.

Accept, sir, the assurances of my highest consideration.

Dr György Szénási
Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina

The Registrar

International Court of Justice

Palais de la Paix

2517 KJ The Hague

The Netherlands



Annex 25

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS

TÉLÉPHONE: (070) 3022323 TÉLEX: 32323

TÉLÉGR.: INTERCOURT LAHAYE

TÉLÉFAX: (070) 3848928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS

TELEPHONE: (070) 3022323 TELEEX: 32323

CABLES: INTERCOURT THEHAGUE

TELEFAX: (070) 3848928

91690

8 September 1994

Sir,

I have the honour to refer to the collection of original-language texts, deposited in the Registry on 25 August 1994, of documents presented as Annexes to the Memorial of Hungary in the case concerning the *Gabcikovo-Nagymaros Project*.

It is not possible for the Registry to make any detailed check of documents deposited in these circumstances, in particular when the Registry includes no staff acquainted with the relevant languages; but a provisional survey of the documents prompts me to raise the following queries.

Volume 4, Annex 31; the original-language text presented seems to be a further copy of that presented as Annex 30, and not to correspond to the English version submitted as Annex 31.

Volume 4, Annex 95; according to the note presented in the set of original-language documents, Annex 95 is identical to Annex 92. The English texts of these two Annexes submitted are not identical. Can you confirm that the discrepancies are simply the result of variant translations, and say which English version is to be preferred?

Volume 4, Annex 142; the volume of original-language documents includes an extra page, which does not appear to be part of the document (photocopy attached). Is this page to be disregarded?

-./.

Mr. György Szénási
Agent of the Republic of Hungary
before the International Court of Justice
Embassy of the Republic of Hungary
The Hague

Volume 4, Annex 150; according to the English text in the volume of annexes, the date of this resolution is 30 October 1989, but the Hungarian text appears to be dated 27 October 1989. Which is correct, please?

I am sending a copy of this letter to the Agent of the Slovak Republic, for his information.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia O
Eduardo Valencia-Ospina
Registrar

As you will already know, the passage of shipping on the Danube canal built on the territory of the Republic of Slovakia has ceased due to technical and navigational faults. Since November 1992, when Slovakia unilaterally and in a manner contrary to law diverted the waters of a 42-km stretch of the Danube from the territory of Hungary, this canal has been the sole waterway for the vessels of some 40 states that navigate the Danube. When one of the two shipping locks became unusable on February 11 as a result of an accident (and remains, incidentally, unusable to this day), the Hungarian government drew attention in an official government statement also to the technically dangerous nature of the illegal construction works being conducted by Slovakia and to the possibility of a breakdown of the second lock. The Hungarian government requested from the Slovak government at that time an assurance that navigation on the stretch concerned would remain possible for all states. No substantive reply to this request has been received. As generally known, freedom of navigation on the Danube is guaranteed for all countries by international law. The Slovak government therefore bears responsibility for the situation that has developed. It is regrettable that because of the dispute taking place over the construction works on the Slovak canal and power station, the international public has so far registered this case simply as a bilateral matter, since it seems to be a question of much more than that, affecting a great number of countries. The Hungarian government considers it justified that the states adhering to the principle of freedom of navigation on the Danube - notably those with vessels plying the Danube, and above all those parties to the convention on the system of Danube shipping signed in Belgrade in 1948 - should call upon Slovakia to cease its illegal actions and ensure freedom of navigation immediately.



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/5/1994.

Budapest, 23 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to inform you that I have today sent to the Registrar at the International Court of Justice a letter, a copy of which is attached. I also enclose, for your information copies of the accompanying documents referred to in that letter.

Accept Sir, the assurances of my highest consideration.

Dr György Szénási
Agent of the Republic of Hungary

Dr Peter Tomka
Agent of the Slovak Republic
Embassy of the Slovak Republic at The Hague
The Netherlands



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/5/1994.

Budapest, 23 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to acknowledge receipt of your letter dated 8 September 1994 and refer to your queries relating to certain original documents submitted to the Court in the case concerning the Gabčíkovo-Nagymaros Project.

Volume 4, Annex 31. This annex was enclosed in error. The relevant text is forwarded with this letter.

Volume 4, Annex 95. The document produced is a variant translation of the same Hungarian language document properly translated and produced as Annex 92. It was therefore produced in error and should be disregarded.

Volume 4, Annex 142. The additional page included is not related to the annexed document. It was produced in error and should be disregarded.

Volume 4, Annex 150. The correct text is forwarded with this letter. The correct date of the Resolution is 27 October 1989.

I am sending a copy of this letter together with attachments to the Agent of the Slovak Republic for his information.

Accept Sir, the assurances of my highest consideration.

Dr. György Szénási
Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice

Palais de la Paix
2517 KJ The Hague
The Netherlands



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/5/1994.

Budapest, 23 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to acknowledge receipt of your letter dated 8 September 1994 and refer to your queries relating to certain original documents submitted to the Court in the case concerning the Gabčíkovo-Nagymaros Project.

Volume 4, Annex 31. This annex was enclosed in error. The relevant text is forwarded with this letter.

Volume 4, Annex 95. The document produced is a variant translation of the same Hungarian language document properly translated and produced as Annex 92. It was therefore produced in error and should be disregarded.

Volume 4, Annex 142. The additional page included is not related to the annexed document. It was produced in error and should be disregarded.

Volume 4, Annex 150. The correct text is forwarded with this letter. The correct date of the Resolution is 27 October 1989.

I am sending a copy of this letter together with attachments to the Agent of the Slovak Republic for his information.

Accept Sir, the assurances of my highest consideration.


Dr. György Szénási

Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice

Palais de la Paix
2517 KJ The Hague
The Netherlands

Annex 28

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 302333 TÉLÉX: 32323
 TÉLÉGR: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 302333 TELEX: 32323
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3649928

91867

27 September 1994

Sir,

I have the honour to acknowledge receipt of the following communications, dated 6 September 1994 and received in the Registry on 19 September 1994, in the case concerning the Gabcíkovo-Nagymaros Project:

- a letter No. J-8/B/1/1994 acknowledging receipt of the Deputy-Registrar's letter of 9 August 1994 under cover of which a copy of a letter dated 3 August 1994 from the Agent of Slovakia was forwarded to you;
- a letter No. J-8/B/2/1994 with enclosure, giving me a list of errata to the Memorial of Hungary;
- a letter No. J-8/B/3/1994 with enclosure, referring to the aforementioned letter from the Deputy-Registrar dated 9 August 1994 and requesting the Slovak Government to provide to the Government of Hungary as soon as possible, through the Registry, a copy of the documents listed in Annex thereto.

Those communications were accompanied by a copy of a letter No. J-8/B/1994 dated 6 September 1994 and addressed by you to the Agent of Slovakia.

Mr. György Szénási
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

COUR INTERNATIONALE DE JUSTICE INTERNATIONAL COURT OF JUSTICE

- 2 -

I further have the honour to inform you that the President of the Court, pursuant to Article 52, paragraph 4, of the Rules of Court, has given leave for corrections to be made to the Memorial of the Republic of Hungary, as indicated in the list of errata annexed to your above-mentioned letter No. J-8/B/2/1994. The Agent of Slovakia and the Members of the Court are being informed of that decision.

Concerning the request for the provision of documents that is made in your letter No. J-8/B/3/1994, may I refer the two Parties to the criteria already set out in my letter No. 91340 of 8 June 1994. I would further point out at this stage that, while all forms of collaboration between the Parties, whether in relation to documents or to other matters, are eminently desirable in order to facilitate the harmonious progress of the proceedings, the only documents that are, as a rule, formally included in the case-file are those filed officially in the Registry in accordance with the relevant provisions of the Rules of Court.

In that regard, I would stress in particular that the documents adduced by the Parties in support of their contentions in application of Article 50, paragraph 1, of the Rules of Court, must normally be filed as annexes to the written pleadings in question, within the time-limits and in the forms laid down for the filing of those pleadings.

A letter drafted in similar terms is being sent to the Agent of Slovakia.

Accept, Sir, the assurances of my highest consideration,



~~Eduardo Valencia-Ospina~~
Registrar

Annex 29

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLEX: 32323
 TÉLÉGR: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3640928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 3022323 TELEX: 32323
 CABLES: INTERCOURT THE HAGUE
 TELEFAX: (070) 3640928

91869

27 September 1994

Sir,

I have the honour to inform you that, by a letter dated 22 September 1994 and received in the Registry on 23 September 1994 by facsimile, the Agent of Slovakia, referring to Articles 31 of the Statute and 35 of the Rules of Court, notified the Court of his Government's intention to choose Professor Krzysztof Skubiszewski to sit as Judge ad hoc in the case concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia); the letter was accompanied by biographical details concerning Professor Skubiszewski.

In accordance with Article 35, paragraph 3, of the Rules of Court, I further have the honour to communicate to you herewith a copy of that letter, as well as of its enclosure, and to inform you that the President of the Court has fixed Thursday 27 October 1994 as the time-limit within which the Government of Hungary may present such observations as it may wish to make in this respect.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia-Ospina
 Registrar

Mr. György Szénási
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

*Stála misia Slovenskej republiky
pri Organizácii Spojených národov
New York*

*Permanent Mission of the Slovak Republic
to the United Nations
New York*

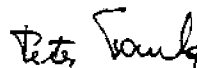
New York, September 22, 1994

Sir,

I have the honour to inform you, pursuant to Article 31 of the Statute of the Court and Article 35 of the Rules of Court, that the Government of the Slovak Republic has chosen Professor Krzysztof Skubiszewski as judge *ad hoc* in the Case concerning the Gabčíkovo - Nagymaros Project between Hungary and Slovakia submitted to the Court on 2 July 1993.

A brief biography of Professor Skubiszewski is enclosed herewith.

Accept, Sir, the assurances of my highest consideration.



Peter Tomka
Agent of the Slovak Republic

Mr. Eduardo Valencia-Ospina
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

September 1994

KRZYSZTOF JAN SKUBISZEWSKI, born 8 October 1926, in Poznan, Poland, son of Ludwik Skubiszewski, Professor of Medicine, and Aniela née Leitgeber. In 1939 expelled from Poznan by the German occupying authorities.

Education

- 1932-1938 - Private elementary school in Poznan
- 1938-1945 - Secondary education in Poznan, Warsaw (1940-1944 clandestine school during German occupation of Poland) and Biala Podlaska (1945, Lycée certificate)
- 1945-1949 - Faculty of Law and Economics, University of Poznan (magister iuris)
- 1950 - Doctor iuris
- 1957 - European University Centre (Diploma of Higher European Studies), University of Nancy, France
- 1957-1958 - Harvard Law School (Master of Laws)
- 1960 - Dozent of International Law, Adam Mickiewicz University, Poznan

Professional Activity

- 1948-1960 - Assistant Teacher and Lecturer, Faculty of Law, Poznan University
- 1961-1973 - Dozent, Faculty of Law, Adam Mickiewicz University, Poznan (1961-1963 - Vicedean of that Faculty)
- 1963-1964 - Visiting Scholar, School of International Affairs, Columbia University, New York
- 1968 - Refusal by Communist authorities (for political reasons) to appoint him professor at Adam Mickiewicz University, Poznan
- 1971 and 1979 - Visiting Professor, Faculty of Law, University of Geneva
- 1971-1972 - Visiting Fellow, All Souls College, Oxford
- 1973- - Professor, Institute of Law, Polish Academy, Warsaw (at present on leave of absence)
- 1963-1993 - Lectures at the Universities of Nottingham and London; International Faculty of Comparative Law, Strasbourg; Graduate Institute of International Studies, Geneva; College of Europe, Bruges (Belgium); International Law Clubs of Harvard, Duke and Oxford Universities; Max-Planck Institute of Law, Heidelberg; Universities of Vienna, Graz and Paris II; Hersch Lauterpacht Memorial Lecture, Cambridge (1985); Cyril Foster Lecture, Oxford (1990); Lord Wilberforce Lecture, London (1990); Hugh Gaitskell Lecture, Nottingham (1992) Royal Institute of International Affairs (Chatham

- House), London (1992); All Souls College, Oxford (1992); Institut d'Etudes Politiques, Paris (1992); and numerous other lectures in European, American, Australian and Asian Institutes or Associations devoted to the study of international affairs.
- 1981- - Member, Committee of Legal Sciences, Polish Academy
 - 1989- - Member, Council of the Institute of International Law, Kiel University, Germany
 - 1989- - Member, Polish Academy, Warsaw
 - 1993- - Member, Curatorium, Hague Academy of International Law
 - Since 4 Dec. 1993 - Member of the Iran-United States Claims Tribunal. The Hague
 - Since 16 Feb. 1994 - President of that Tribunal
 - 1994 - Judge *ad hoc*, Case of East Timor, International Court of Justice, The Hague

Other Activities

- 1960-1973 - Curator, United Nations Student Association, Poznan, Poland
- 1981- - Member, Programme Council, Lectures and Adult Education, Poznan Region, "Solidarity"
- 1981-1984 - Member, Primatial Social Council, Warsaw
- 1984-1989 - Member, Co-ordinating Committee, Polish-German Forum, representing the Secretariat of the Polish Episcopate
- 1986-1989 - Member, Consultative Council, Chairman of the Council of State, Warsaw
- 12 Sept. 1989- - Minister of Foreign Affairs
- 26 Oct. 1993 - Member, Board of Trustees, Voluntary Fund for Technical Cooperation, Centre for Human Rights, United Nations, Geneva
- 1993- -

Membership in Learned Societies

- Society of Arts and Sciences, Poznan
- Western Institute, Poznan
- International Law Association (Polish branch)
- American Society of International Law (Honorary member since 1991)
- Institut de Droit International
- Société Française pour le Droit International
- Association "Henri Capitant" des Amis de la Culture juridique française
- Polish Academy
- Argentine Council of International Relations

Membership in other organizations

- Oxford Society
- Codrington Club, Oxford
- "Solidarity" (since 1980)
- Political Club "Order and Freedom", Poznan (1988-1990)

Decorations

- Gold Cross of Merit (1977)
- Knight's Cross of the Order of Polonia Restituta (1986)
- Cavaliere di Gran Croce, Ordine Piano (Holy See, 1991)
- Grand Officier de la Légion d'honneur (1991)
- Gran Cruz de la Orden al Merito de Chile (1991)
- Grosskreuz des Verdienstordens der Bundesrepublik Deutschland (1991)
- Order of the Diplomatic Merit of the Republic of Korea (1991)
- Grand Cross of the Order of Polonia Restituta (1993)

Prizes

- Alexander von Humboldt Foundation research prize (1984)
- Organic Work Prize, Poznan (1992)
- Father Idzi Radziszewski Prize, Catholic University of Lublin (1992)
- Wartburg Prize, Germany (1992), received together with the French and German Foreign Ministers R. Dumas and H.D. Genscher

Honorary doctorates

- Universities of Ghent, Mainz, Torino, Liège and Geneva

Honorary Titles

- Honorary Master of the Bench, Gray's Inn, London (1990)
- Honorary Professor of the University of Bucharest (1993)

Research in International Law

Has done research on legal aspects of Polish-German relations, in particular the border between the two countries; use of force by states and law of armed conflicts; law of international organisations; theory of international law, including sources of that law and the relationship between international law and municipal law.

Books in Polish

1. Pieniadz na terytorium okupowanym. Studium prawa międzynarodowego, w szczególności praktyki niemieckiej (Money in Occupied Territory. Study in international law with special reference to German practice). Instytut Zachodni, Poznan 1960, 404 pages.
2. Uchwały prawotwórcze organizacji międzynarodowych (Law-Making Resolutions of International Organizations) Poznanskie Towarzystwo Przyjaciół Nauk, Poznan 1965, 201 pages.
3. Zachodnia granica Polski (Western Frontier of Poland). Instytut Bałtycki, Wydawnictwo Morskie, Gdansk 1969, 630 pages.
4. Zachodnia granica Polski w świetle traktatów (Western Frontier of Poland in the Light of Treaties). Instytut Zachodni, Poznan 1975, 368 pages.

Participation in collective works published in Western languages

1. Use of Force by States. Collective Security. Law of War and Neutrality. Chapter XII in: Manual of Public International Law, editor: M. Soerensen. Macmillan, London, Melbourne, Toronto, St. Martin's Press, New York 1968; Translation in Spanish: Fondo de Cultura Economica, Mexico 1973.
2. Introduction and Chapter 14: Poland and some other Eastern European Countries, in: Individual Rights and the State in Foreign Affairs, editors: E. Lauterpacht and J.C. Collier. Praeger Publishers, New York, London 1977.
3. Unilateral Acts of States. Ch. IX in International Law: Achievements and Prospects, editor: M. Bedjaoui. M. Nijhoff-Unesco, 1991.
4. Participation in numerous Festschriften.

Reports

1. Les techniques d'élaboration des grandes conventions multilatérales et des normes quasi-législatives internationales (in collaboration with Hans Blix). Institut de Droit International. Annuaire, Vol. 57, 1977, part II, S. Karger, Basel 1978.
2. Resolutions of the General Assembly of the United Nations. Institut de Droit International. Annuaire, Vol. 61, part I, Editions A. Pedone, Paris 1985.

Articles

Some one hundred articles on international law and relations published in journals and collective works, inter alia in "Przegląd Zachodni", "Czasopismo Prawno-Historyczne". "Państwo i Prawo", "Rocznik Polskiej Polityki Zagranicznej", "Ruch Prawniczy, Ekonomiczny i Socjologiczny", "Annuaire Français de Droit International", "American Journal of International Law", "Annales d'Etudes Internationales", "Archiv des Völkerrechts", "British Year Book of International Law", "Cahiers Pologne-Allemagne". "Current Legal Problems", "Europa-Archiv", "German Yearbook of International Law". "International Organization", "Jahrbuch für Internationales Recht", "Miedzunarodnaja Zizn". "Polish Western Affairs", "Polish Yearbook of International Law", "Revue Générale de Droit International Public", "Zeitschrift für ausländisches öffentliches Recht und Völkerrecht".

Lectures

1. Les organisations régionales. Nature et portée juridique des actes des organes non juridictionnels dans les organisations d'intégration économique et de nature politique des pays de l'Est. Faculté internationales pour l'enseignement du Droit comparé. Strasbourg 1966, pp. 69.
2. International Law and Municipal Law. Hague Academy of International Law, 1992.



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B/5/1994.

Budapest, 29 September 1994

Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary/Slovakia)

I have the honour to request through the channel of the Court, from the Agent for Slovakia, detailed data on dredging in the Slovakian Danube section. We require information referring to the Danube reach from the Austrian border down to Rajka (rkm-1850).

Specifically we request information regarding the yearly gravel volumes dredged off the riverbed for the period 1950-1992 distinguishing between navigational (ford) dredging, industrial dredging and dredging for other purposes.

I would be grateful if you would ask the Agent for Slovakia to provide the above information at his earliest opportunity.

Accept, Sir, the assurances of my highest consideration.

Dr. György Szénási
Agent of the Republic of Hungary

Mr Eduardo Valencia-Ospina
The Registrar
International Court of Justice

Palais de la Paix
2517 KJ The Hague
The Netherlands

Annex 31

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLÉX: 32323
 TÉLÉGR.: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3649928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
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 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3649928

91932

3 October 1994

Sir,

I have the honour to acknowledge receipt of your letter with enclosures, dated 23 September 1994, referring to mine of 8 September 1994 and concerning the collection of original-language texts, deposited in the Registry on 25 August 1994, of documents presented as Annexes to the Memorial of Hungary in the case concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia).

Due note has been taken of the observations contained in your letter, as well as of the corrected original version of Annexes 31 and 150 which accompanied it.

I further have the honour to acknowledge receipt of a copy of a communication dated 23 September 1994, under cover of which you transmitted a copy of your above-mentioned letter and enclosures to the Agent of Slovakia. I have myself addressed a copy of the same letter to the Agent of Slovakia.

Accept, Sir, the assurances of my highest consideration.

Eduardo Valencia O

~~Eduardo Valencia-Ospina~~
 Registrar

Mr. György Szénási
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague

Annex 32

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TÉLÉPHONE: (070) 3022323 TÉLEX: 32323
 TÉLÉGR: INTERCOURT LAHAYE
 TÉLÉFAX: (070) 3049928



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: (070) 3022323 TELEX: 32323
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: (070) 3049928

92051

13 October 1994

Sir,

I have the honour to acknowledge receipt of your letter dated 29 September 1994 and received in the Registry on 4 October 1994 in the case concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia). A copy of that letter is being sent to the Agent of Slovakia.

Concerning the request for the provision of certain data that is made in your letter, may I refer you to the content of the letter of the Registrar No. 91867 of 27 September 1994, which you would have certainly received in the meantime.

Accept, Sir, the assurances of my highest consideration.

Jean-Jacques Arnaldez
 Deputy-Registrar

Mr. György Szénási
 Agent of the Republic of Hungary
 before the International Court of Justice
 Embassy of the Republic of Hungary
 The Hague



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

HEAD
OF THE INTERNATIONAL LAW DEPARTMENT

J-8/B-8/1994

Budapest, 17 October, 1994

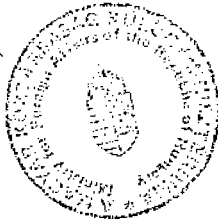
Sir,

Re: Case concerning the Gabčíkovo-Nagymaros Project
(Hungary / Slovakia)

I have the honour to acknowledge receipt of your letter of 27 September 1994 in which you inform me of the intention of the Government of the Slovak Republic to choose Professor Krzysztof Skubiszewski to sit as Judge ad-hoc in the above case.

May I inform you, Sir, that my Government welcomes this choice and has no other observation to make in this respect.

Accept, Sir, the assurances of my highest consideration.



György Szénási
György Szénási

Agent of the Republic of Hungary
before the International Court of Justice

Mr. Eduardo Valencia-Ospina

The Registrar

International Court of Justice
Palais de la Paix

2517 KJ The Hague
The Netherlands

Annex 34

*Státní misie Slovenskej republiky
pri Organizácii Spojených národov
New York*

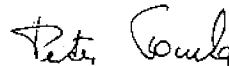
*Permanent Mission of the Slovak Republic
to the United Nations
New York*

31 October 1994

Dear Dr. Szénási,

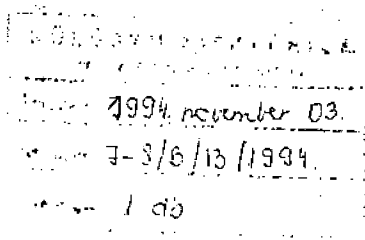
With reference to your letters of 6 and 29 September 1994 respectively, I wish to advise that although Slovakia does not regard the correspondance with the Registrar concerning the proper observance of the Rules of Court to be, as you put it, "procedural wrangling", I fully accept the idea that exchanges between us should come to a halt while we get on with the preparation of Counter - Memorials.

Yours sincerely,



Peter Tomka
Agent of the Slovak Republic

Dr. György Szénási
Agent of the Republic of Hungary
Embassy of the Republic of Hungary
The Hague



*Ministry of Foreign Affairs
and International Cooperation
Budapest*

*Permanent Mission of the Slovak Republic
to the United Nations
New York*

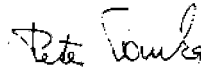
October 31, 1994

Sir,

I have the honour to acknowledge receipt of your letters of 27 September and 13 October transmitting the copies of the letters from the Hungarian Agent of 6 and 29 September respectively.

I have addressed both letters directly in my letter to the Hungarian Agent, a copy of which is enclosed herewith for your information.

Accept, Sir, the assurances of my highest consideration.



Peter Tomka
Agent of the Slovak Republic

Mr. Eduardo Valencia-Ospina
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

Annex 35

PROTOCOL ON THE NEGOTIATION OF THE GOVERNMENT PLENIPOTENTIARIES OF THE HUNGARIAN REPUBLIC AND THE CZECHOSLOVAK REPUBLIC HELD IN BUDAPEST ON 15-17 JUNE 1977 ON THE SUBJECT OF THE PREPARATION FOR THE IMPLEMENTATION OF THE GABČÍKOV-NAGYMAROS HYDROELECTRIC POWER PLANT — EXCERPTS AND ATTACHED REPORT, 17 JUNE 1977

[Excerpts omitted]

The government plenipotentiaries discussed the following issues:

[Excerpts omitted]

4. Issues related to the old Danube bed.

[Excerpts omitted]

Point 4. Issues related to the old Danube bed

The Hungarian Government Plenipotentiary gave the information that he will submit a report to Governmental bodies on the planned establishment of the Danube bed and its impact on the environment in the frame of the preparation of the barrage system.

The Czechoslovak Plenipotentiary takes notice of the Hungarian party's proposal with agreement. The proposal is included in *[attached report]*.

[Excerpts omitted]

Budapest, 17 June, 1977

Plenipotentiary of the
Hungarian Government

Plenipotentiary of the
government of the CSR

Report

on the issues of the old Danube bed

The Hungarian Government Plenipotentiary informed us that according to the relevant resolution of the State Planning Committee, the Hungarian experts have repeatedly reviewed the impacts deriving from the decrease at the water discharge of the old Danube bed in the Szigetköz and the possibilities of the elimination of unfavourable impacts, and established the following standpoint:

1. In the section of the concerned Danube bed the river branches will be closed, and on the basis of the plans their permanent supply with living water will be ensured. Therefore a more favourable permanent condition will be established instead of the present changing ground water situation. The planned measures will decrease the unfavourable impacts on the bottomland forests. The ground water condition of the agricultural areas will be improved. The bottomland flora and fauna remains practically unaltered.
2. It is possible to build in underwater weir in the old Danube bed. With this solution on the basis of operational experiences such water levels might be sustained which are equal to the small water condition before construction.
3. In the middle third part of Szigetköz in the concerned areas, the decrease of groundwater level might occur. The lacking water will be supplied with irrigation systems in the frame of a national investment.
4. The common operational rules plans the operation of the Dunakiliti weir in a way, that in case of necessity in growth season a 200 m³/s water discharge might be introduced into the old Danube bed, with the possibility of temporary flushing.

The Czechoslovak Government Plenipotentiary agreed to the above suggestions. The Government Plenipotentiaries ordered, that the plan should take into consideration the suggestions.

Budapest, 17 June 1977

Annex 36

PRESIDENCY OF THE HUNGARIAN ACADEMY OF SCIENCE, POSITION PAPER CONCERNING THE
SCIENTIFICALLY DEBATED QUESTIONS OF THE GABČIKOVO-NAGYMAROS BARRAGE SYSTEM,
20 DECEMBER 1983

The scientifically debated questions related to the construction of the Gabčíkovo-Nagymaros Barrage System (GNBS) can be classified into four groups:

1. political,
2. technical, agricultural, hydraulic construction and transport,
3. economic,
4. environmental and regional planning problems.

This classification is rather arbitrary, but it correlates the most closely related factors. Undoubtedly the four problem groups are eventually in interaction with each other. As far as the details are concerned the Presidency of the Hungarian Academy of Sciences did not want to deal with the details of materials discussed earlier and it did not have the intention of analysing once more the standpoints clearly stated in these materials. But it considers it its task to draw attention in his report to the activities related to the scientifically debated questions of the GNBS.

The standpoints of the Presidency:

- should be further analysed using scientific thoroughness and
- are directed to the factors for implementation after the decisions have been made.

The present standpoint of the Presidency does not deal with the political questions which might occur in the classifications mentioned above, because it was not authorised, however the Presidency notes, that the analysis of this topic - which it deemed to be necessary, - has not yet come to its notice.

The Presidency forms its position giving consideration to:

- the earlier inter-governmental agreements concerning this matter which might limit the possibilities of making decisions,
- the fact also has to be taken into account that the general danger to the environment, especially the groundwater, surface waters, and the decline in the quality of soils shows a worse tendency than predicted,
- because of the critical world economic situation the priorities of the country have to be radically reconsidered in other fields as well.

The Presidency when forming its standpoints takes into consideration the documents that raise questions to be answered, because the clarification of these questions prior to the supposed construction steps of the GNBS is justified, necessary and possible. These can be summarised as follows:

1. The Joint Contractual Plan did not deal with the environmental impacts and consequences of the Gabčíkovo-Nagymaros Barrage System. (This job was done upon the request of the SPC (Scientific Political Committee) only in 1982, when the general secretary of the Hungarian Academy of Sciences with the contribution of experts prepared an analysis.) So far no survey has been done which would have investigated them systematically and considered the interactions of the technical, ecological, economic aspects and the risks attached to them.

2. According to the examinations carried out so far the real or supposed environmental damage coming from the GNBS construction can be decreased with a great probability or can be avoided with the help of further investments that are not or only partly in the joint investment budget. The prevention of the environmental damage - if they are caused by the GNBS project and represent not only the interest of one party - can not be considered a task that exclusively financially burdens the party where investment, necessary for prevention, has to be made. All the necessary collateral investments have to be taken into account too and in many cases they have to be implemented prior to basic construction. Considering these facts the following requirements have to be satisfied by further research, planning and construction activities:

- a/ The pollution of the water of the Danube and changes in the biological conditions must not endanger, not even in the long term, the drinking water supply - mainly based on a bank filtered system - of the region and Budapest. For this reason the waste water of the catchment area also has to be biologically purified, prior to the putting into operation of the Dunakiliti-Hrušov reservoir.
- b/ The productivity of the agriculture and forests of the region and the possibility for their growth have to be preserved.
- c/ The regional planning benefits especially the recreational possibilities arising from the large scale construction provided options which have to be utilised.
- d/ The biological degradation of the old Danube water - and its tributaries - has to be avoided and the characteristics worthy of a boundary river have to be ensured providing, at the same time, continuous operational conditions for a well designed navigational route.

3. In order to fulfil the set of requirements mentioned in point 2 a comprehensive environmental impact assessment has to be prepared within two years. In this the whole effect mechanism of the GNBS and its environmental elements has to be analysed, and, with this, the technically and economically favourable solutions have to be found which entirely enforce the regional approach. On the basis of this study an economic evaluation including all the environmental impact has to be prepared. The study has to be carried out in co-operation with the relevant Czechoslovak institutions.

4. A comprehensive environmental monitoring system has to be developed along the Danube stretch mentioned - as in the case of Lake Balaton - which is capable of continual observation for changes in environmental conditions with a special regard to the forecasting of modifications related to the drinking water supply.

5. In support of the suggested environmental impact assessments certain research has to be commenced with special dispatch. These are first of all:

- the elaboration of the methodological directives and contents of environmental impact studies,
- examination of the expected hydrobiological changes in the Dunakiliti reservoir,
- the delineation of the nature conservation area serving for the preservation of the present ecosystem and the analysis of the conditions for its protection,
- analysis of the environmental and energy management impacts of the peak operation of the GNBS with special regard to the changed circumstances,
- a survey of the agricultural productivity of the GNBS impact area and preparation of lithological, pedological, soil moisture balance and geomorphological maps,
- the groundwater control, and analysis of the impacts on agriculture and forestry caused by the 'in situ' infiltration system and its utilisation,
- analysis of the biological, pedological and technical questions concerning the repeated inundation of the forests in the flood plain,
- an overhaul analysis of regional planning possibilities arising from the large scale investment of the GNBS.

These examinations have to be planned and carried out where the necessary intellectual resources and experiences are available and the research costs need to be guaranteed.

6. On the basis of the experiences brought by the planning of the GNBS, the modification of Resolution 34/1974./VIII.6./CM¹ and Joint Resolution 3/1974./VIII.6./ NP-FM² on its enforcement is advisable. The modification would generally mean, that the environmental impact assessments should be done - as an integral part of the decision making - together with the planning of every productive investment in the future.

(The 1-6 points are practically equal with the Resolution of the Council of National Environment and Nature Protection made on 21.06.1983)

7. The investment has to be analysed from the point of view of the situation, the capability and possibility of the participating national economy and so a total cost/benefit analysis needs to be completed. Only the 50-60% of the planned investment is justifiable through the productions of electric energy.

1 CM - Council of Ministers

2 NP - National Planning Office

FM - Finance Minister

a/ The further portion of the planned expenditure would not be made profitable by national navigation while agriculture and flood protection would likely produce a greater benefit faster and with much less investment.

b/ The interests of navigation would get more attention if the navigation route - as a theoretical possibility - were completed with harbours, loading machines and in addition a clarification of our possibilities for access to the Rhine-Main-Danube system and seaports .

c/ The 30 billion Forints to be borne by the Hungarian party calculated by the planners in the investment proposal of the GNBS - which merely because of price changes, would be increased significantly during the project construction - does not contain unmentioned but unavoidable installation costs (such as the regulation of the Old-Danube, purification of the waste water of the region, etc.) which have the same order of magnitude. It is doubted that such an amount, considering the tight investment resources, can be spent on a barrage system which will optimally provide electricity only in 1993.

8. It is unavoidable to analyse the GNBS construction from a macro economic point of view with scientific accuracy. Points in this analysis could be the following:

a/ In the longer terms the Hungarian economy needs to carry on an economic policy based on re-establishment of balance and ensuring the solvency of the country.

b/ This policy has to be implemented in a globally very sophisticated world economic situation which is especially difficult for Hungary. As a consequence of this, the main economic policy objectives are the increase in the marketable and economic export capacities and the rational replacement of imports, namely those which directly influence the export import relations.

c/ Because an increasing part of our national income will leave the country over the coming decades (debt payment, exchange rate depreciation also in the socialist foreign trade, investment contributions), only a decreasing portion can be used at home, which means, that our investment possibilities will be tight over the longer term.

d/ Considering the Hungarian conditions primarily the development of the processing industry is necessary. This conclusion can be drawn from the mistakes of the past thirty years development policy, namely an exaggeratedly great portion of our equipment, even after 1957 approximately 70%, was oriented towards material and energy production. The structural changes desired can be expected from the development of the processing industry, and only this can provide a growth in exports. At the same time we are in the middle of another technical, scientific revolution where not only the developed countries can increase their already existing advantage but certain, rapidly developing industrial countries can overtake us. It is doubtful in such circumstances, that a long term investment, which only consumes and freezes considerable productive forces and financial resources over one and a half decades, is allowable.

e/ In the case of a commencement and during the investment, significant foreign and domestic economic disturbance can be caused, because it is apparent, that in the era of debts, threatening even the international financial system with collapse, the international bank system is

not willing to support the liquidity of countries (economies) which initiate investments with a low productivity.

9. The Presidency of the Hungarian Academy of Sciences considers it desirable that when the political and governmental leadership considers the further destiny of the GNBS investment, in addition to the international and internal political connections and consequences, the debated technical, economic and environmental scientific questions have to be considered. Taking into account the factors considered and not considered the Presidency considers that a significant delay of the investment, execution of appropriate substantial modifications, but above all cancellation of the investment is justified.

10. On the basis of the teachings of the investment, the Presidency considers it necessary that the government prior to significant decisions, which influence the entire society and the whole economy, the opinion of the most qualified people and also institutions which are capable of an objective standpoint based on scientific analysis has to be asked.

20 December 1983, Budapest

Lénárd Pál
General secretary of the HAS

János Szentágothai
President of the HAS

Annex 37

LETTER FROM JÓZSEF MARJAI, HUNGARIAN DEPUTY PRIME MINISTER, TO JÁNOS SZENTÁGOTHAI,
CHAIRMAN OF THE HUNGARIAN ACADEMY OF SCIENCES, 19 MARCH 1984

Ma-004/50 -1/194

Dr. Comrade János Szentágothai,
President of the Hungarian Academy of Sciences

Budapest

Dear Comrade Szentágothai,

The President of the Government forwarded the documents to me and thus I have been able to study the position taken by the Hungarian Academy of Sciences with regard to the scientifically debated issues concerning the Gabčíkovo-Nagymaros Barrage System.

I consider the Position Document of the Academy extremely significant, partly because the Presidium of the Academy is the highest forum in our scientific life, and partly because the construction of the barrage system is a matter of great importance which will always demand from the Government decisions that are to be taken with the utmost caution.

I consider it to be my duty to inform repeatedly the comrade President about the steps taken by the Government, and to remind you of the requests that we made to the Academy of Sciences, for the very reason that in making our decisions we wished to rely on the work of the scientific institutions governed by the Academy. We wish to continue to do so during the future construction of the barrage system.

Following several decades of preparatory work, the Government signed the contracts for the barrage system scheme in 1977. Undoubtedly our prognosis about our economic resources and the investment possibilities was not made subject to the conditions that evolved later, but we judged these types of difficulties to be merely temporary. Therefore, we signed a supplementary treaty with Czechoslovakia. The essence of this treaty was that all the initial work, including our share, would be done by them, and we would only start investing at the beginning of the 1980s.

Early in 1981, considering that the difficulties of our economic situation proved to be lasting, we attempted to obtain agreement for the cessation of our investments until 1990, and we started the relevant talks with Czechoslovakia in February 1981. Our principal reason was economic, but we wished to appeal to the inevitable research on the ecological effects. That is why already in March, comrade Borbandi appealed to you (enclosed), and requested the support of the Hungarian Academy of Sciences, which would have strengthened our negotiating position.

The Academy of Sciences' committee, created following comrade Borbandi's request, has not offered such support. This has been demonstrated by your letters addressed to me in December 1981, in which you forwarded the Petrasovich report, and the reservations in connection with that report held by the director of the Botanical research institute of H.A.S. In

January 1982 I turned to you, referring to these written documents as well as our personal discussions, and I requested further research to be carried out and the processing of the great quantities of available material so that the actual, true consideration of the environmental effects would be possible for the Government when forming a position (I enclose a copy of my letter). In this letter I was already forced to define a short deadline for the work to be carried out, since our negotiations with Czechoslovakia deemed it absolutely necessary. Unfortunately, the H.A.S. has not provided us with material that could be used during negotiations between states. This fact and the, for us, disadvantageous consequences of the situation were contained in the observations made during the meeting of the Economic Committee was requested.

I do not wish to go into further details about our correspondence, neither do I wish to burden you with a listing of the studies carried out and the views taken by the scientific research institutes and the various committees of the Academy. In their entirety, these studies confirmed that according to our present scientific knowledge, the concept and the plans of the G.N.B.S. contain the most considered solution. Undoubtedly, there were always more or less significant misgivings in connection with the plan. These, although unsuitable for supporting actual measures to be taken or giving grounds for modification to the plans, were treated by us with the greatest consideration.

I would like to point out that I have highlighted the observations and suggestions that were drafted in April 1982 by the Polinszky Committee, which although containing differing views, properly substantiated, provided hope that they could be used as arguments for postponement during the negotiations with the Czechoslovaks. Such topics were the water balance of the Szigetköz and the changes to the plans for the size of the shipping locks. To discuss both matters, the plenipotentiary of the Government called in the scientists of the relevant fields, who had been involved in the work of the Academy Committee, to try to substantiate the reservations that would have made it possible to argue for the change of the plan, in this way supporting our case for postponement. It was proved in both cases that there are no such arguments, and the participants of the meeting confirmed the soundness of the current conception and plans.

The Political Sciences Committee in September and November of 1982, and the Nationwide Council of Environment in the summer of 1983, on the basis of the proposals made by the Deputy Secretary of the Academy, made decisions to start further enquiries investigating, among other things, the possible environmental damage and how it could be eliminated, and to try to create the most favourable conditions for the plans.

Summarising all this, I have to point out that the country's scientific workshops took part in large numbers in laying down the foundations and outlining the plans for the G.N.B.S. The Government, as it has done during the negotiation phases of past years, currently, and also in the future, will wish to rely on the opinion of the Committees of the Academy, with special regard to the scientifically based research work of the Academy's Institutes.

The Government did not succeed in its attempt to stop the building of the barrage system. It would have been impossible to achieve this anyway, since in Czechoslovakia, from 1977 onwards, according to the treaties made by then, the work had not only been started, but had advanced considerably. A consequence of a possible halt would have been damages to such an extent that their payment would have been unthinkable for us. What we did achieve however, is that the deadline for the building of the barrage system was postponed by four years without any demand for compensation. This enabled us to minimise the sums spent on this investment until 1985. We have managed to free ourselves of costs of 12 billion forints during this critical period.

With our Czechoslovak partners we agreed that during the period of future construction both parties will be ready to consider all well founded and reasonable suggestions that emerge in connection with environment protection. Similarly, both parties judged the close co-operation of the Academies necessary for this purpose.

On the basis of these facts I hope that the comrade President would agree with me, that the Government, given the available knowledge and possibilities, acted with deliberation and that it wished to protect the country's political, economic, environmental and rural development interests.

I would like to inform the comrade President, that under the co-ordination of the National Water Conservation Bureau, all the work that is described in the 21st June 1983 ruling of the National Council of Environment and Nature Conservation, and which the Presidium of the Academy refers to in its documents, are under way.

I cannot avoid returning to some specific observations of the Position Document of the Presidium. First of all, I would like to point out that the Document - apart from containing drafts of general requirements - prescribes a prioritised list of research projects that in my opinion should naturally have been completed prior to the signature of the agreement between the states, but these should in any case have been restarted at the latest on receipt of comrade Borbandi's letter of March 1981.

The Presidium formed its position in view of the fact that "the general threats to the environment, especially the drop in quality of the subterranean and surface waters and arable soil, shows worse tendencies than was forecast". I must observe that I do not have knowledge of a forecast showing worsening tendencies. This kind of prediction should be based precisely on the research done by the Institute of the H.A.S.

There are no further studies proving this. Although I do not consider it to be decisive, the latest research on based domestic and foreign observations show that in these type of barrage systems the quality of the outflowing water is better than that of the water entering into the reservoir.

In the second point of the Position Document it is proposed that the costs of environmental damage should be shared with the Czechoslovak, since these payments should not be made solely by the party whose territory is involved in the repair work.

In the treaties the shared costs do indeed involve the projects that are part of the barrage system. A number of these projects cannot be separated from the environmental protection schemes, (protecting works, protective covering of the riverbank, part of the overflow systems etc.), but the majority of investments for this purpose are classified as so-called national investments. For example, the most important national investments in our territory are the construction of a so-called overflow system that would serve to control the groundwater of Szigetköz and the building of the regional waterworks that would provide a supply of drinking water. These investments and, of course, many more of the smaller projects that are not listed here, are contained in the full investment forecast.

National investments with a similar purpose are also necessary on Slovak territory, the readjustment of the watersupply in the Kisalföld, etc. Joint surveys show that their national investment is several times greater than ours. But these investments mean for both partners that

they cover projects that have both a preventative purpose and help to develop the infrastructure. In the light of these facts we can safely say that we have no substantiated claim against Czechoslovakia.

The Position Document contains a detailed account of the necessary investment, and the criticism is made that this is not contained in the investment forecast of the G.N.B.S. The expenditure necessary for creating a new infrastructure in the region involved, the development costs of agriculture and forestry and the sums assigned to creating better conditions for recreational purposes are not contained in the budget. These costs are indeed related to the construction of the water barrage system but they are only additional possibilities resulting from the project, and are partly independently necessary investments.

The second point of the Position Document contains recommendations for this type of investment. In general, I agree with these recommendations and I think the implementation of them, if feasible, gradually will be done.

However, I would like to highlight two of the recommendations.

- It is suggested that "the waste-water of the reservoir area should be biologically cleaned before the opening of the Dunakiliti Hrušov reservoir." Naturally, I agree that our country's waste-water treatment system is quite old-fashioned and that a substantial part of the waste-water should be biologically cleaned. But I cannot agree that the waste-water of the whole reservoir area can be biologically cleaned at such short notice, or that it is absolutely necessary. Both countries pledged to solve the problem of keeping the environment free of waste-water so that rather than causing further damage to the Danube, the water quality would be improved as far as possible. We know that in Czechoslovakia, in the region involved, there are considerable projects under way to build new waste-water treatment plants. Our objective is to carry out the construction of a waste-water treatment plant in Győr that has been planned for a long time. But I must emphasise again that it has not been scientifically proved that the building of the G.N.B.S. would worsen the quality of water. Nor has it been proved, in particular, that the water supply of Budapest, for example, is endangered. Therefore - not arguing against the need to extend the waste-water treatment process - at this point I do not find sufficient grounds for the immediate implementation of investments of this size.

- The same point of the Position Document refers to the need for providing conditions for a continually operated, "realistically planned shipping route." The fulfilment of this recommendation is impossible. Creating a by-pass canal in the Old Danube will not provide sufficient quantities of water, to make shipping possible. It is a known fact that during low flow periods on this reach of the Old Danube shipping can only be maintained by almost continual dredging. The need for maintaining conditions for constant shipping cannot be justified either. There are no settlements or economic activity on this stretch of the riverbank that would require constant shipping. Seasonal shipping is possible on the Old Danube. But this would only be necessary if, due to some catastrophe shipping were not possible on the by-pass canal. In such cases the 24m wide ship-lock built into the Dunakiliti weir and the introduction of sufficient quantity of water would make temporary shipping possible. The traffic of low-draft boats of course - especially after riverbed relocation - will be always possible.

The 7th and the 8th point of the Position Document addresses the economic questions concerning the water barrage system. The examination of these questions had already been finished in the preparation phase of the investment. Naturally it cannot be claimed as indeed is the

case in any significant investment that a study of its economic benefits should not be repeated again and again, even if - in spite of new recommendations - there is no possibility for reverse changes. These types of decisions are such that, with time the implementation is either under way or completed, and so has to be taken as given. We only realistically expect to adjust the implementation or operation of projects that are already underway or completed to various conditions.

In the future as well as in the past, the Government wishes to take all measures possible in our given economic circumstances so that the problems concerning the currently constructed water barrage system should not obstruct the implementation of our economic policy, or at least disturb it only to a tolerable extent. I do not wish to claim that the construction of the water barrage system is according to our present judgement uneconomical, but it is certain that if we had to decide about its implementation today, considering our poor investment possibilities, we probably would postpone this investment. (We would probably make the same decision in relation to some investments that have been implemented recently or about one or two investments that are just in the process of being implemented, provided that their postponement would not cause greater damage than their implementation or operation. As is known, the Government - after due deliberation - does not shrink back from decisions to stop investments already under way. Examples of this are the power station in Bicske, the mining on the copper-site in Reesk and the water barrage system in Csongrad.)

The main line of the economic policy of the Government is identical with the goals detailed in the Position Document. Increased export capacity, sensible replacement of imports, the development of manufacturing industry together with its specially requested structural changes, these are goals that we will support in every possible way. The Government has for years refrained from slow return investments. But it has to be acknowledged that our country's situation does not make it possible to avoid using our natural resources, among them our energy resources. The production of certain basic resources should be increased for the very reason that our manufacturing industry should not be dependent on increasingly costly imports. I am only detailing this in order to point out that although we can indeed blame the "development policy of this third of the century" for using too large a proportion of our resources for raw material and energy production, but given the circumstances, the implementation of the water barrage system may be a burden, but it does not shake our economy to the extent described in the Position Document.

I attended to the questions relating to the construction of the GNBS in my last - 2 March 1984 - letter to the comrade President (encl.), so it would be needless to return to them.

The Position Document of the Presidium of the Academy finds the postponement - or preferably the halting - of the investment for a considerable time justifiable. In my view, on the basis of the facts presented, this is not possible and not even justifiable. The Presidium also has to consider, firstly the current situation and secondly, that the arguments of the Presidium are not supported by scientific research (although the Government repeatedly requested that they be carried out) but only by anxieties. The anxieties listed in the document are supported almost entirely by differing scientific and expert opinions which so far have not been checked against, or confronted with each other at a scientific level, or even to the level of our current knowledge. I find it natural that the government will do everything in order to validate well-founded and justifiable changes to the content - as soon as we receive such arguments. For this I repeatedly and hereby request the firm support of the Hungarian Academy of Sciences and its institutes.

I can assure the comrade President that in every important question the government will always request the opinion of the scientific representatives and will take these fully into account when making its decisions.

Budapest, 19th March 1984.

With Comradely Greetings

(signed) József MARJAI.

[Annexes Omitted]

Annex 38

PROTOCOL ON THE NEGOTIATIONS OF THE GOVERNMENT PLENIPOTENTIARIES OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE CZECHOSLOVAK SOCIALIST REPUBLIC CONCERNING CO-OPERATION ON THE CONSTRUCTION OF THE GNBS HELD IN BRATISLAVA ON 13-14 JUNE 1985, 14 JUNE 1985

The list of delegates is contained in Annex no. 1 of this protocol.

The Government Plenipotentiaries agreed to discuss the following issues:

1. The plan of the construction tasks for the year 1985
2. The refinement of the detailed construction schedule of the Dunakiliti Weir
3. Information provided by the leaders of the Joint Operational Group concerning the examination of suggestions relating to the modification of the technical solution of the tail race canal
4. Report on the activity of the Joint Operation Groups
5. Others.

1. The plan of the 1985 building tasks

The plans for the building tasks for 1985 are contained in Annex No.2. The Government Plenipotentiaries acknowledge the plan and confirm that the quantity of work is in accordance with the approved building scheme. The Plenipotentiaries of the Governments are setting out the tasks for the leaders of the J.O.G. so that during the next plenipotentiary negotiations they can submit their recommendations for the budget schedule for the years between 1986 and 1990 both in Czech Crown and in Forints, broken down into yearly budget plans.

2. The refinement of the detailed construction schedule of the Dunakiliti weir

The Government Plenipotentiaries have discussed the report of the leaders of the J.O.G. concerning the refinement of the construction schedule of the Dunakiliti weir. They observe that in accordance with the protocol of the XX. session of the Hungarian-Czechoslovak committee on economic, scientific and technical co-operation, the schedule provides for the timely commencement of operation of the Gabčíkovo power station.

The report of the leaders of the Joint Operational Group is contained in Annex 3.

The Government Plenipotentiaries approve the revised schedule.

3. Report given by the leaders of the J.O.G. about the consideration of recommendations for the modification of the technical solution for the tail race canal.

The report is contained in Annex 4 of this protocol.

3.1 Concerning the recommendation for the modification of the tail race canal-bed level the plenipotentiaries set out the objectives that the leaders of the J.O.G should:

- finish their planned research and studies by the end of 1985.
- at the level of the Joint Contractual Plan, submit their documented modification recommendations before the end of June 1986
- during further negotiations of the Government Plenipotentiaries, provide
- information about the state of research

3.2 The Plenipotentiaries of the Governments agreed that the suggestion for the division of the tail race canal should be considered as a separate investment, since they have not achieved considerable reduction of the fluctuation of water levels during peak operation. This will be done at a time suitable for both parties.

The Government Plenipotentiaries instruct the leaders of the J.O.G to finish the most important research on the existing hydraulic models and by drawing up the investment target, finish the work currently being done on suggestions as to how to divide the water bed canal.

4. Report about the activity of the J.O.G.

The report about the activity of the J.O.G. is contained in Annex 5. of this protocol. The Government Plenipotentiaries acknowledge the report.

The Government Plenipotentiaries instruct the leaders of the J.O.G. to produce a report before the end of 1985, to the effect that the plenipotentiary agreement appearing in the Protocol of 24th November 1983, concerning the 19.5 - 20.5 km long stretch of the tail race canal, was fulfilled.

5. Others

The next meeting of the Government Plenipotentiaries will be held in September 1985 in Hungary.

There are two copies of this protocol, one in Hungarian and one in Slovakian. Both copies are equally valid.

Bratislava, 14 June 1985

The Plenipotentiary of the
Hungarian's People's Republic

Peter Havas

The Plenipotentiary of the
Czechoslovak Socialist Republic

Ing. Vladimir Lokvenc

Annex 39

HUNGARIAN ACADEMY OF SCIENCES, OPINION, 28 JUNE 1985

Based on the discussion held at the exclusive round-table conference (24 June 1985) on the Environmental Impact Statement of the Gabčíkovo-Nagymaros Barrage System

The Hungarian Academy of Sciences (hereinafter: HAS) convened an exclusive round-table conference to form an opinion and to establish its position on the Environmental Impact Assessment (hereinafter: EIA) of the Gabčíkovo-Nagymaros Barrage System (hereinafter: GNBS). (The list of names of the attendees is included in Annex 1.)

Because of a lack of time, the members and experts of the HAS neither have been, nor will be, able to keep up with the technical experts involved in the development of the EIA for a year and a half and those involved in the preparation of the GNBS for several decades in getting acquainted with the studies, preliminary plans, documented investigations etc. For similar reasons, the Ad Hoc Committee of the HAS could not undertake the role of the arbitrator either.

In every case, the construction of a barrage represents a large-scale intervention into the order of nature, which has various impacts on the environment. Depending on the endowments of the land, the extremely intricate and complex impact mechanisms get realised "everywhere" in different ways. Since adapting Hungarian and foreign examples similar to the GNBS and its expected impacts is only proper to a limited extent due to the different economic, engineering and ecological attributes, it was considered necessary to provide information on the arguments and counter-arguments raised at the round-table conference (Annex 2).

Similarly to the discussions convened over the past period (from 1981 to 1985), there were also very great differences among the opinions this time. For some of the remarks made, reassuring or acceptable answers were given, others were refuted, or were just not responded to. There were some, who praised the ideas formulated in the EIA, and there were some others, who expressed condemnatory opinions, or did not agree with some of its statements.

Based on the request, the Academy has to form an opinion on the EIA of the GNBS. Because of the multi-disciplinary nature of the establishment of the Barrage, however, several issues have been raised that could be rendered independent from the EIA and that we felt to be our duty to inform the Government about in order to reveal the situation.

The HAS cannot have the objective of preparing decisions. However, we consider it all the more our objective to comprehensively reveal interrelations in order to provide a basis for decision making.

Our observations are expressed separately for the antecedents, as well as for the GNBS and the EIA.

1. OPINION IN RELATION TO THE ANTECEDENTS

a/ Despite the interdisciplinary nature of the GNBS, the HAS was requested for the first time only in 1982 to express its opinion. It occurred repeatedly that in issues concerning various sectors of the national economy, opinions were requested at very short notice. In this

extremely complex subject, it is fairly difficult to form an opinion on the two-year work of the experienced and conversant professional staff of the water sector within a few weeks. In order to provide a basis for the government decisions, nevertheless, we consider it reasonable to make our remarks.

- b/ Even without working out the conception of the GNBS and without a preliminary decision, we would agree on the damming up of the river in order to develop the navigation on and the flood control of the Danube, and on the exploitation of the opportunity for energy generation arising from the damming up of the river; i.e., on the comprehensive harnessing of the Danube, which is realisable through the establishment of the Barrage System.
- c/ Even in the event of developing the GNBS according to present ideas, the content put down in the position of the Presidency of the HAS on 20 December 1983 is considered to be governing:

"The pollution level and the change in the biological state of the Danube should not, in the future too, jeopardise the drinking water supply of the area and Budapest which is built predominantly on a bank-filtered system. Therefore, the sewage produced in the watershed should also receive biological treatment prior to the putting into operation of the Dunakiliti-Hrušov Reservoir" (Item 2(a), p. 3).

Furthermore:

"The biological deterioration of the water in the Old Danube, as well as in its tributaries and branches, should be avoided. Regulated appropriately as boundary water, its ecologically sound character should be ensured, at the same time creating conditions for the permanent operation of a realistically designed navigational route" (Item 2(d), p. 3).

2. OPINION IN RELATION TO THE EIA AND THE GNBS

Despite the grouping of the points made at the round-table conference (Annex 2), the order presented therein is not followed in the formation of our opinion. On the one hand, because we had no intention of expressing our position for all issues raised, on the other hand, several issues have to be touched upon in a comprehensive way in the individual positions because of the interconnected impacts.

In our opinion, besides the decisions made and the contractual obligations undertaken so far, there are still tasks to complete, in which the Government may improve the impact of this project on the national economy. Providing a basis for such decisions requires the most thorough exploration possible of the cause-effect relationships. The position of the HAS wishes to contribute to a grounded evaluation of the possible alternative decisions.

- a/ The decision made by the National Environmental and Conservation Council (hereinafter: NECC) on June 21, 1983 stated that the conventional plan prepared for the establishment of the GNBS had not dealt with the ecological impacts and the expected consequences in a comprehensive way. The incomplete state of the ecological research has not ceased to exist with the completion of the EIA. Considerable amplification was carried out in the fields of agro-ecology and groundwater level regulation.

We consider the environmental impact statement of the Gabčíkovo Nagymaros Barrage System a pioneer undertaking. However, it only deals with the impacts to be expected upon

the realisation of the Joint Contractual Plan or of its modernised concept. Therefore, the producers of the study have neglected an examination and assessment of the impacts to be expected from alternative technical solutions.

The EIA was prepared within a relatively short period of time and it is a piece of synthesising work suitable for reaching numerous conclusions and making numerous decisions. It provided mostly reassuring answers to several concerns and controversial issues arising over the past years. In the Statement, several points made refer properly to the fact that in the system of impacts, the frequencies of the natural, economic and social elements are substantially diverse, and as a result, the consequences can be expected only with certain probabilities.

Numerous issues were also raised whose analysis was not possible. The Government should note that an unambiguous answer cannot be given to everything. Conducting further research is necessary to make the expected impacts more accurately definable. In spite of this, some impacts will certainly remain, which one will be able to find out only during operation, and to prevent their adverse consequences, measures should be taken and extra projects should be envisaged.

b/ The debates related to the GNBS are very diverging. They touch upon numerous professional fields, thus the competence of any single field cannot be complete in terms of the whole either. In certain issues, the views are in diametrical opposition. The reasons for this are various:

- the extent of some impacts cannot be shown with experiments or calculations using models, hence the debate cannot be resolved;
- prior to the signing of the Treaty, only a few of the preliminary studies exploring the expected ecological impacts had been prepared, their synthesis was missing, and the studies conducted since that time are of no full value or more time is needed for completing such studies;
- the debating parties are selecting their arguments according to their goals, and sometimes they replace them with declarations;
- by virtue of their nature, quantifying the ecological processes is more difficult than designing the operation of the engineering projects.

The difficulty of quantifying the ecological processes means, however, neither the diminution nor the overestimation of their significance. The economic consequences of the ecological impacts can be planned with greater difficulty and they imply a greater uncertainty factor. Despite the lack of their numerical expression, the environmental impacts cannot be neglected, and in fact, their role may be fundamental at the level of the national economy.

In order to be aware of the ecological changes, to obtain comparative data, to predict the expected impacts and to prevent the adverse impacts, a uniform monitoring network should be established as soon as possible.

c/ Based on the issues raised at the exclusive round-table conference, there are two possible alternative solutions for the operation of the Gabčíkovo Hydroelectric Power Station:

According to the first alternative, i.e., the original conception, peak energy is generated immediately after the completion of the project. In this case,

- the treatment of the sewage effluents in the city of Győr should be resolved at an accelerated rate before its putting into operation, otherwise, this reach of the river will become temporarily a sewer for the city;
- the Nagymaros Barrage should be constructed in time, together with that of Gabčíkovo, which will represent a significant burden to the national economy;
- the treatment of the sewage effluents on both the left and the right riversides should be achieved prior to the putting into operation of the facility, otherwise the multiple use of the Nagymaros Reservoir will fail;
- in the Nagymaros Reservoir, siltation will start, the pores in the riverbed will be choked, the yield of the bank-filtered wells will fall, and regular dredging of the mud will have to be carried out;
- in the period of 1990 through 1995, there will be a lack of basic energy in the grid of Hungary, which may be substituted for with the existing oil power stations (see Item 2.1., Annex 2).

The second alternative and the economic interests as well as the elimination or the prevention and correction of disadvantageous side effects would make this one desirable, the generation of peak energy would be temporarily or definitely avoided. In this case:

- the treatment of the sewage effluents in the city of Győr and on both the left and the right riversides may be implemented at a "normal" rate (the burden on the national economy of this investment, paying for itself slowly, decreases);
 - the construction of the Nagymaros Barrage may be rescheduled, and the navigation in the area of the community of Gönyü may be resolved at lower costs;
 - the plants and additional facilities and projects necessary for the subsequent peak-operation may be implemented according to the carrying capacity of the national economy;
 - the basic energy missing from the grid may be substituted for with hydropower (consequently, hydrocarbon energy resources should be used to a smaller extent for the generation of basic energy, and a small portion of the savings may be used for generating peak energy).
- d/ In principle, the permanent use of the realistically designed navigational route on the Old Danube may be established by the measures aiming at the water supply, if the structures necessary for it are built. In order to preserve the boundary water and its ecologically sound character, it would be safer to constantly release the amount of water corresponding to the discharge prevailing at low water levels in the Danube. The Government should consider the possibility

- whether the possibility of navigation and the boundary-water character cease to exist or not in the case of a discharge of 50 to 200 m³/s?
 - whether water will have to be released from the Reservoir instead of the surface run-off due to the choking of the pores in the bed of the Dunakiliti Reservoir?
 - whether it should utilise the release of extra water becoming necessary because of the ecological aspects with pipe turbines built into the Barrage?
 - whether it should perhaps build pipe turbines additionally according to the operational experience?
 - whether any possible surplus water should be released without building turbines, i.e., without utilising it and generating energy?
 - whether it should simulate the flooding of the lowland forests with major releases of water in order to protect the forests to be regenerated with other tree species?
- e/ The costs of projects aiming at the elimination of additional and unfavourable impacts should be shown independently from the costs of the main facilities. For a possible failure to implement the additional facilities due to a misconceived concept of saving may have fatal consequences. A development of the area accommodating the changed endowments may result in a more favourable situation than the present one, while failing to implement the "extra" projects may generate irreversible ecological processes. It would be unfortunate, if, in the case of such a broad readiness, the number of erroneous actions prompted by ecological considerations again increased. Unfortunately, no cost calculation was available to us, and the statement of the EIA, saying that eliminating the adverse impacts requires extra costs equivalent to 2 to 3 % of the total investment, cannot be considered more than a simple statement and no foundation for it can be seen.
- f/ According to our position, the pollution of the Danube should be abated to an acceptable level irrespective of the GNBS.

Our Government should take measures as soon as possible to resolve the treatment of sewage effluents, primarily the treatment of the domestic and industrial sewage of the main pollution sources: the cities of Győr, Komárom, Dorog and Esztergom and the Petroleum Co. (Szőny) as well as to prevent the slurry in the red sludge reservoirs at Almásfüzitő from entering the Danube. The water quality of the Danube should be preserved also in the interest of drinking water withdrawal. It should be included in a decision that before the putting into operation of the system, the pollution levels into the Danube reach affected by the GNBS should be decreased to a level satisfactory for a use aiming at drinking water supply and recreation. The development for recreation arising through the implementation of the GNBS can be considered a "gain", only if the water quality of the Danube is improved.

- g/ In our opinion, it would be expedient to consider the new situation arising due to the dispute on the barrage planned close to the Czechoslovak and Austrian border (Hainburg), which has taken place since 10 October 1983, the date of signing the protocol on the modification of the deadline of the completion and putting into operation of the GNBS. The outcome of the

dispute is not indifferent from the aspect of the GNBS either, therefore, it would be desirable to monitor it and to get involved in it on the part of the Hungarian Government.

- h/ In accordance with the findings of the Presidency of the HAS on 20 December 1983, the carrying out of a social impact assessment and feasibility calculations are recommended. The Government should make its decision with the knowledge of the results of the economic calculations.
- i/ It is desirable that our Government also have a reassuring policy on information on the issues related to the establishment of the GNBS. Official reports on the decisions have to be released showing the proponents and the institutions involved in their preparation.
- j/ It is recommended that the NECC should discuss the EIA supplemented with the issues raised at the round-table conference. After the usual inter-departmental coordination, the compilation prepared in this way should be submitted to the Government for approval by the National Water Office and the National Environmental and Nature Conservation Office. The proposal should include the additional tasks remaining.

Budapest, 28 June 1985

Annex 40

[INTERNAL] MEMORANDUM ON THE NEGOTIATIONS OF COMRADES L. STROUGAL AND JÓZSEF MARJAI HELD ON 19 AUGUST 1985, 19 AUGUST 1985

[WITH - PARTLY ILLEGIBLE - HANDWRITTEN CORRECTIONS BY MR. MARJAI]

Lubomir Strougal, the President of the Czechoslovak Socialist Republic received Comrade Marjai in his office. The Deputy Prime Minister, R. Rohlicek and the Hungarian Ambassador, Béla Kovács took part in the discussions.

Comrade Marjai began by conveying the greetings of Janos Kadar and György Lazar to comrade Strougal. He requested that greetings of comrade Kadar would be conveyed to comrade Husak, with the message that comrade Kadar is counting on the meeting with comrade Husak. Next he detailed the reasons for his visit.

He said: The Hungarian side requested presidential level talks so that we can provide information about the process of the construction of the GNBS, about how it is being evaluated, and further related task, considering that the Hungarian Government discussed these questions last week.

He said that the government examined the findings of the approximately two year, extensive and high quality scientific research that detailed the environmental impact of the Water Power Plant System which is called the Environmental Impact Study of the GNBS. The importance of this study is, above all, that it should convince the Party and the Government that the construction of the water power plant system is a sensible use of the Danube, it would be advantageous, it will not damage the environment and that present and later results of scientific investigations will be useful during implementation of the project. During the work we have to be guaranteed that it will be constructed it in the most economic way.

He emphasised, that in recent times we were trying to provide a wide ranging scientific basis for the implementation of the project, since we have to be more certain about our knowledge in order to be able to convince everybody, including others about the soundness of the investment, and that it serves a good cause and which creates a better situation. The publications concerning the work so far were made in the light of these results and in accordance with them.

The concrete suggestions made for the Czechoslovak partners were based on the results of these studies. These suggestions do not oppose the work previously done, rather they are built on that work, and we would like to put greater emphasis on them, since they concern both parties and are in the interest of both parties.

Comrade Marjai said that he handed over the summary of the environmental impact study to comrade Rohlicek. There are no new observations in this paper, but it points to those areas where we should consider certain facts and work more intensively and more in accordance with the programme, since in our opinion this is needed at this phase of the construction.

Comrade Marjai mentioned that while on the Czechoslovak side great and visible work is going on, on our side - since it consisted of smaller, less visible work - it could not be seen. But now, as in the next few days, the work starts, initially at Dunakiliti and then in the Nagymaros region, the

public will notice it, and as the districts of the scheme are highly populated, the public will not be informed about it solely by Radio Free Europe. It was also for this reason that we have found it important to inform the public.

Comrade Strougal, also on behalf of comrade Husak and the whole Government gave thanks for the sincere information, favourable for them. He emphasised that earlier comrade Husak had requested special information from him as to whether the Hungarian Government refused to continue the investment or supported it. He himself had already informed comrade Husak that the Hungarians support the construction of the power system, and they have been consistent in their wish to implement it. He favourably evaluated the decision of the Hungarian Government and emphasised its great political and international importance. He especially thanked the Hungarian initiative that wished to inform the Czechoslovak leadership about all this within a short time.

He emphasised that they consider the studies of environmental impact, undertaken under the authority of the Hungarian Government as a reaction to the questions emerging during the past years. Without such investigations those people who would like to co-operate, but who have questions and doubts, cannot be responded to. Now that the Hungarian Government bodies, and the Hungarian Academy of Sciences have carried out the enquiries, we can tell these people at what stage we are.

Together with this – he said – we cannot do else but implement the project. During implementation, we naturally consider the ecological factors and the results that will emerge during implementation.

To ensure the quality of the water will be dealt with as a vital question, and in order to do this we will have to build special water purification plants. It must also be ensured that there is no pollution – especially nitrogeno fertilisers – coming from the agricultural areas near these complexes. And lastly, it has to be especially ensured that nature be conserved as it used to be. He mentioned the Orlik water barrage, where the natural environment during the last 5-8 years had suffered increasing damage. Before construction the scientists claimed that everything was all right, but now they report problems (on the surface of the water there appears a green, cloudy, polluting layer). His own reaction to this problem was that attention should have been called to these issues 15 years ago, and now scientists have to promote the solution of those problems.

Comrade Strougal emphasised that from Czechoslovak part, they will approach the question emerging during the process of construction actively and with initiative. If necessary, the plans would have to be changed in agreement as we go along. Therefore, they will study the summary of impact study and the recommendations made by the Hungarians in detail, and if there is any question that they have not responded to before, they would try to respond to them.

He remarked that the GNBS on its own merit is obviously a unique project in a unique ecological environment. Therefore, the ecological questions should have been the main focus of attention, not only in Hungary but in Czechoslovakia too, since if the environment is damaged that would be equally criticised by the people in Czechoslovakia.

In his view the decision of the Hungarian Government and the publication of it is of great political importance. The fact that Hungary has unequivocally committed itself to the implementation of the project strengthens the friendship between the two countries and between the people of the two countries, and at the same time ends speculation in the international media. He pointed out that from Czechoslovak part they naturally counted on the Hungarians taking part in the

implementation of the project, but they also knew that there are circles in Hungary which would be arguing for and also against the project. Now, that we have officially taken position on the side of the implementation, even if there were people on Czechoslovak side who had doubts, they have had those doubts removed.

He expressed special thanks to the Hungarian leaders who in the current situation helped the cause of joint investment, that is, especially comrade Janos Kádár, György Lázár and comrade Marjai. He mentioned that the treaty between states was signed by himself and comrade Lázár, and therefore had there been any problem it would have fallen on them.

Today implementation should be the focus of attention. He said that although he does not know the July performance figures, the hard winter caused only a little delay in the investment. He also mentioned that high water levels were obstructing work at the main working pit at the Dunakiliti[sic – handwritten correction replacing "Gabcikovo"]pit. At the same time, the high water level constituted a test of the installation, and – since the experts were prepared to such event – the project withstood the test. He confirmed that the delay in the construction will be made up for and that they will be able to keep to the schedule. By all means they count on being able to start the first turbine of the GNBS in 1990.

Comrade Strougal said, that in the next five-year period, as a result of the inflexible investment plan, they won't be able to implement several reconstruction investments. There were leaders who would emphasise that certain investments – like the GNBS – will not recoup their costs quickly. But they have no alternative other than to build the water-power-system. He emphasised that during implementation they will take pains so that the project will not have any unfavourable impact the environment. Should there be new facts and reasons pointing to the fact that this is not ensured, it would be examined and solutions would be searched for. In his view, that the only certain way to convince people about the advantages of the project is to solve these problems.

He pointed out that this question is not only present in Hungarian-Czechoslovak relations. The Austrian Government is considering the building of the Hainburg powerplant. The Czechoslovaks are supporting the joint Austrian-Czechoslovak Wolfstahl powerplant, which the Austrians obviously will not undertake. In his view it is possible, that the Austrians eventually choose a solution where the power station, instead of being built in Hainburg, will be built nearer to Vienna, or in Hainburg, but with a lower impoundment level than that planned. Comrade Strougal said that chancellor Sinowatz avoids discussions on this subject, the reason for this, in his view, is that Sinowatz himself does not know how he will get out of this matter. He eventually added: In his opinion the Austrian Government made a mistake when it under-rated the importance of the environmental issues.

Comrade Marjai responding to the speech of comrade Strougal, emphasised that from Hungarian part it was not accidental to ask for the holding of the presidential talks for this date. The Hungarian Government discussed the matter of the water barrage system on 15th August, and we felt our responsibility to officially inform the Czechoslovak partners about it, in the shortest possible time. This is important in that we wished to demonstrate our concern with both Hungarian and foreign public opinion. In Hungary we were happy to see that our initiatives were received and judged favourably.

Comrade Marjai explained, however, that in connection with environmental impacts, this time we submitted a relatively short report. In this report perhaps only a few of the observations – reflecting the results of the latest research – will be new for them. They are familiar with the larger

part of the material, as we have already delivered, or will deliver, the detailed technical materials during the joint work.

In connection with this he emphasised: it is extremely important that in joint work, at least in the crucial matters, we should work in advance, that is, we should do all that is possible, since not all the problems are known today and many questions can only be cleared up – in certain cases, according to the scientists – only 20 years after operation starts. That is why it is important that research be continuous, and that its results be continually made use of. For example, the initiation of a measuring-testing monitoring system, which – although it is not described in the written document handed over by us – according to our plans will be implemented 3 years before the water barrage system is operational. This serves – according to our view – both political and economic interests, as well as the interests of the whole project

Comrade Marjai said that opposing arguments must not be prohibited; on the contrary, we should convince those, who emphasise such arguments. The debate in connection with the Hainburg project has strengthened the anxieties in connection with the damaging effects of the water barrage system, even in people who are not professional enemies. This fact also emphasises that these questions should be taken into account.

In connection with the financial-economic side of the joint investment he emphasised, that for Hungary it is a great burden, a painful issue, since in the next 5-year plan really every penny should have been spent on technical advancement, and investments like the GNBS should have been postponed to a later date. He recalled that already in 1981 in Prague they had negotiated on the Hungarian proposal to delay the construction by 10 years. After long negotiation we could agree on a 4 year delay ... [illegible word] and taken into account our international and national interests we had no other option left but to continue the work according to our treaty obligations, if the only realistic option is to construct the project jointly with the greatest possible speed utilising the achievable benefits to a maximum. There is full harmony between the Hungarian and Czechoslovak side concerning this.

Annex 41

GOVERNMENT RESOLUTION (3238/1985) ON THE CURRENT TASKS OF THE CONSTRUCTION OF THE GABČÍKOVO-NAGYMAROS BARRAGE SYSTEM, 23 AUGUST 1985

1. The Council of Ministers acknowledges the report by the Chairman of the National Water Authority and by the Government Plenipotentiary of the G.N.B.S., the report being about the construction works of the G.N.B.S. the study of the environmental impact that is based on previous research, the conclusions of this study, and about the current tasks of the construction.
2. The Council of Ministers observation, based on the G.N.B.S.' environmental study, is that during the research there was no environmental damage found that would give grounds for proposing a modification to the Treaty between States. According to the impact study the construction of the water barrage system does not entail unpreventable or irreversible damage to the environment. The recommendations of the impact study should be considered during implementation, and work serving the purpose of environment protection should be carried out simultaneously with the building of the water barrage system.
3. The subjects of scientific research, and the questions related to technology and technology development that are to be solved before the operation of the W.B.S. has started, together with the problems during operation should be defined in view of the environmental impact study's conclusions.

The research program should be judged by the corporate bodies of the Hungarian Academy of Sciences, and then put forward for approval by the Sciences Committee.

Responsible: President of the National Water Authority
 President of the National Environmental Protection and Nature Preservation Bureau
 President of the National Committee for Technical Advancement
 The General Secretary of the Hungarian Academy of Sciences
 The Government Plenipotentiary of the G.N.B.S.

Deadline: 31 December 1985

4. Scientific research should be continued in co-operation with the Slovak Academy of Sciences, and the findings should be used during detailed planning and operation.

Responsible: The General Secretary of the Hungarian Academy of Sciences
 President of the National Water Authority
 The Government Plenipotentiary of the G.N.B.S.

Deadline: Continuous

5. The construction of a monitoring system that was scheduled in the plans should be built in co-ordination with the Czechoslovak partners before the operation of the G.N.B.S starts and it should be continually operated.

Responsible: The President of the National Water Authority

Deadline: 30 June 1990

6. The necessary conditions should be ensured for the work involved in the G.N.B.S. investment and the work should be controlled so that it should be implemented in accordance with the deadline defined in the Treaty between States. The Chairman of the Economy Committee will co-ordinate the necessary measures for the implementation.
7. The negotiations should be continued about the implementation of the G.N.B.S. to happen within such a credit structure, that will serve the purpose of discharging the financial burden of the VII. and VIII. five-year plans.

In trying to find solutions for the energy problems of the 1990s, the advantages provided by the G.N.B.S. should be exploited to the greatest extent.

Responsible: The Chairman of the Economy Committee

Deadline: 31 December 1985

8. In the report of the National Planning Office, concerning the modification of the investment proposal, the recommendations of the environmental impact study, and the necessary related investments should be considered.

Responsible: President of the National Water Authority

Deadline: 30 September 1985

9. Before the water barrage system is fully operational on the stretch of the river Danube above Nagymaros, the further construction of waste-water treatment plants is necessary to the extent that the waste-water burden, compared with its current level, will be reduced considerably. The plants should be primarily in the town of Győr, Komárom, Esztergom, Tatabánya and Oroszlány. The National Planning Office should make certain that the funds covering the investments necessary for this purpose will be available from the National Water Authority and from the councils involved.

Responsible: The President of the National Planning Office
The President of the National Water Authority

Deadline: 31 December 1993

10. The regulation of the Old Danube bed should be carried out, and its operation should be adjusted in such a way that the riverbed will retain its fresh water characteristics.

Responsible: The President of the National Water Authority

Deadline: 31st December 1990

11. The level and method of peak operation should be regulated so that optimal conditions for hydrological, energy, ecological and shipping requirements are created. The necessary research for this purpose should be continued. The findings of the research should be reported to the Economy Committee.

Responsible: The Presidency of the National Water Authority
 Minister for Industry
 Minister for Transport
 The Chairman of the National Committee for Technical Advancement
 The President of the National Environmental Protection and Nature
 Preservation Bureau
 The Government Plenipotentiary of the G.N.B.S.

Deadline: 31 December 1985

12. In connection with the construction of the works' operational system - including peak-time operation - during negotiations with the Czechoslovak partners it should be ensured that the plant operation is suited to Hungarian interests. The treaty should be made at a time that is suitable for the treaty's clauses to be enforceable both in the plans and during construction.

Responsible: Government Plenipotentiary of the G.N.B.S.
 Minister for Industry
 The President of the National Water Authorities

Deadline: 31 December 1985

13. The possibilities and advantages provided by the creation of the water barrage system should be exploited. Increased attention should be focused on this when the plans are drawn up for the area and regional development and for rural planning.

Responsible: The Minister for Housing and Urban Development
 The President of the National Planning Office
 The Minister for Agriculture and Food
 The President of the National Water Authority
 The Minister for Home Trade
 The Minister for Transport
 The Chairmen of the County Councils involved

Deadline: Continuous

14. The Czechoslovak partner should be informed about the position adopted at the meeting of the Council of Ministers and about the questions concerning further joint work.

Responsible: The President of the Hungarian Section of
 the Hungarian-Czechoslovak Economy and Technology
 Co-operation Committee

15. In the interest of making the most of the Danube complex the co-operation of the countries along the Danube should be strengthened, with special regard to the exchange of data with Czechoslovakia and Austria.

Responsible: The President of the National Water Authority
 The President of the National Committee for
 Technical Advancement

16. The public should be informed about the implementation of the water barrage system. An information plan should be made containing appropriate arguments for the advantages of the water barrage system and its foreseeable impact on the environment.

Responsible: The Chairman of the Information Office of the Hungarian Academy of Science
The President of the National Water Authority
The Government Plenipotentiary of the G.N.B.S.
The General Secretary of the Hungarian Academy of Sciences

Deadline: 15 September 1985 and continuous

Budapest.

15th August 1985

Signed by: Dr Laszlo Marothy, Deputy President of the Council of Ministers

Annex 42

DECREE 1/1987 (III/15), 15 MARCH 1987

1/1987. (III.15) OKTH (National Bureau of Environment and Nature Protection)
Decree On The Establishment Of The
Szigetköz Nature Reserve

I declare the following decree according to paragraphs 11 and 13 of the 8/1982 (III.15) Cabinet Decree modified by the 58/1986 (XII.10) decree issued for the implementation of the 1982 4th law-decree about Nature Preservation.

1. I declare the 9157.6 hectare area protected according to the topographical numbers of the property register listed in the appendix as the Szigetköz Nature Reservation Area.

2. I declare the 1325.8 hectare area of the Szigetköz Nature Reserve highly protected according to the real estate register listed in the second appendix.

3. (1) The goal of the protection is to preserve the water system as well as the unique flora and fauna of Szigetköz and, in addition, to develop its landscape by the accomplishment of the Gabcikovo-Nagymaros Barrage System.

(2) The regulations of the law-decrees on nature protection should be accomplished in the territory of Szigetköz, so that they do not block construction, management and maintenance of flood prevention, river regulation and water replenishment projects as well as the connecting hydrological technical activity.

(3) The hydrological technical activity should be done in accordance with saving the protected nature's living condition.

4. The task of the North Dunantul Inspectorate of the National Bureau of Environmental and Nature Preservation is the protection, maintenance and demonstration of the natural values in the Nature Reservation Area .

5. This decree comes into operation on the 1st April 1987.

Annex 43

Standpoint of Ecological Section, Czechoslovak Biological Society at Čs. Academy of Sciences, to the water dams system Gabčíkovo - Nagymaros

Builded water dams /WD/ system Gabčíkovo-Nagymaros represents a considerable, unprecedented in Middle Europe Region, interference to the country, accompanied by marked ecological, economic, social, political and other consequences, which will manifest themselves during many decades or even centuries. Therefore the problem of water dams construction can not be considered to be solved just owing to former decisions of "definite" validity. Not even in the situation, when the main construction of water dam Gabčíkovo is nearly finished and when Danube at Nagymaros flows through a temporary river-bed to allow to start the dam construction. We think it inevitable to judge all potential advantages and disadvantages of the whole system again and to accept prompt measures, which would allow - also according to existing interferences - to come to the best possible compromise solution.

1. Expected benefits

To expected benefits of Gabčíkovo-Nagymaros WD system - according to project - belong mainly :

- a/ protection of Danube lowlands on the Czechoslovak and Hungarian territory from floods / in fact this refers only to Gabčíkovo WD /
- b/ Danube navigability improvement for ships with 3.5 m load-line at section below Bratislava, where the river-bed is filled with deposits due to rapid gradient decline, and in the Nagymaros region, where the river overcomes the rocky threshold
- c/ agricultural conditions improvement mediated by successive irrigation
- d/ electric power production, mainly during the peaks of consumption, when it is - and it will be, too - especially needed and thus of value. Water power plant Gabčíkovo will have the installed output of 720 MW, Nagymaros 160 MW. Electric power production under peak production mode should be 3780 GWh per average

year / share of Gabčíkovo should be 2790 GWh /. It should be 3970 GWh using continuous mode of production / share of Gabčíkovo 2970 GWh /.

Czechoslovakia and Hungary should share equally the energy produced and other presumed benefits /the same is true for construction expenses of Gabčíkovo-Nagymaros WD system/. According to the original project, investments should have been covered within 7.2 years. Thus the Gabčíkovo-Nagymaros WD system construction is motivated first of all by economic and technical view-points.

2. Probable negative consequences

However, the negative ecological, social, political and partly economic and technical consequences can not be neglected. They are elicited by the construction of such an extensive WD system in Danube lowlands. To the negative consequences belong mainly:

a/ direct damage, or even destruction, of a large part of natural or only little influenced by man ecosystems

- during the construction, roughly on 200 km long part of Danube /22.4 km of which is "Czechoslovak" Danube and 142 km is a frontier river with Hungary/. Just at the step Gabčíkovo itself, which directly influences about 70 km of Danube, about 40 km² of agricultural and 30 km² of forest area is lost. Extensive cut down occurs in river bank forests, which are the home of plenty plant and animal species, often very scarce ones. Natural or only little influenced by man ecosystems disorganisation will arise. The straight and 17 km long, and in some places as far as 740 m broad derivational channel, towering up to 18 m above the surrounding plain ground, which will bring the Danube water to the hydropower plant erected in the fields near Gabčíkovo, so as the protective dikes and other constructions, will completely violate the character of the landscape. Decline of water level in the original Danube river-bed / eventually its complete drying up/ will disorganise water ecosystems and will make impossible / or at least it will severely complicate/ the migration of fish. The construction of step Nagymaros influences as far as 110 km of Danube / the river gradient is considerably lower there than at the Gabčíkovo WD /.

- 3 -

- during the operation of dams, when under the projected peak regime the water level will considerably sink and rise several times a day / roughly by 1 m in the Hrušov basin placed under Bratislava and by 4 - 5 m under Gabčíkovo in the 8 km long draining channel which continuous to artificially deepened river-bed of Danube/. Such a changes would considerably disturb the banks so as populations of plants and animals. Therefore, the purpose of Nagymaros basin, which is projected roughly 14 km from Czechoslovak frontier, is - besides the electricity production - the unavoidable measure to maintain the uniform Danube flow in the Hungarian area. Providing the Gabčíkovo power plant is operating continuously, water levels will not fluctuate rapidly and therefore the construction of step Nagymaros as an equalizing basin will loose its sense. In spite of this, however, the problem of accelerated banks erosion is persisting owing to water waves originating on large water surfaces of water dam Gabčíkovo. / At Czechoslovak area/ this should be avoided by ecologically unacceptable smooth unarticulated asphalt-concrete banks / Hungarians will harden the banks using stones/. Besides of that, environment will be polluted and soils will be occupied by deposits of sediments, which will be extracted from the bottom of dams, and which will contain heavy metals and other pollutants.

b/ indirect damage to ecosystems due to the water regime changes in the country which will ensue from :

-elevation of ground water levels. Above the Hrušov dam /16 km long area/ this elevation partly can compensate for the decline of ground water on Czechoslovak side caused by hydraulic shield around Slovnaft petrochemical factory. However, the undesirable moisturing of ground will arise in the area of Nagymaros dam lake / swelling up would impact about 110 km long part of Danube, 12 km of Ipol', 12 km of Hron, 36 km of Váh and 20 km of Small Danube /.

-decline of ground water levels in the area around the waterproof derivative channel, sinking /draining/ channel and deepened Danube river-bed under Palkovičovo / total length about 51 km/ and under Nagymaros, which will manifest itself also by the loss of water in wells.

c/ worsening of Danube water quality and endangering the drinking water stores in Danube basin area resulting from:

-limited spontaneous water purification capacity of artificial channels and banks made of concrete,
 -limited supplementation of drinking water stores; moreover, the abandoned Danube river-bed will function as a drain

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-Danube and ground water pollution by noxious materials in the waste waters, which are in large quantities freely released into Danube and to its tributaries, namely to Váh, Hron, Moson Danube and Ipoř, or due to pollution of vast area by agriculture and by immisions, respectively. The sorrowful example of Novomlýnské dams in South Moravia should be a sufficient warning. Hrušov, which is located directly below Bratislava, and Nagymaros in 40 km distance to Budapest will under current situation change to gigantic putrefying containers, which are not acceptable hygienically, and where the oxygen concentration in water will decline with great probability together with undesirable release of manganese and other metals, with eutrophisation of water: overproduction of rodents etc.

-putrefying of organic matter in the original Danube river-bed.

About 10 - 14 km³ of high quality ground water is concerned /near Gabčíkovo there is a 200 m layer of sediments/, which represents far more the biggest reservoir of drinking water in this part of Europe;

d/ endangering to agriculture and forest production ; ground water level decline would lead to extinction of meadow forrests in an area at least 50 km /i.e. about 0.5 millions m³ of wood / and to the necessity to maintain an intensive /and expensive/ artificial irrigation in agriculture, which moreover can lead to the permanent mineralisation of soils. Elevation of ground water levels in broad surrounding area of artificial Nagymaros basin will threaten the agricultural production or will even make it absolutely impossible in analogy with the WD Králová upon Váh.

e/ risks connected mainly with eventual disturbance of derivational channels and dikes and with overgrowing of the abandoned Danube river-bed by plants. These risks could become very significant first of all during floods, earthquakes, or in the case of a technical error, accident, terroristic assault or military conflict. In the case of eventual disruption of derivational channel or that of protective dikes the extensive floods would ensue with heavy devastating consequences, both on the territory of Czechoslovakia and Hungary, Budapest being endangered immediately, too.

f/ local social structure damage in Danube area both during the construction and during the existence of WD system. Artificial "island" will

arise between the original Danube river-bed and the derivational channel, which will be isolated from the rest area. The walls of buildings will crackle owing to drying up the area.

- g/ destruction or endangering of known and potential archeological and other cultural monuments localised in the area of both dams ;
- h/ high costs of construction and ... operation of Gabčíkovo-Nagymaros dams given by enormous extent of building work, growth of elicited successive investments, necessity of permanent sediment extraction from the bottom of dams / Danube brings 600 000 m³ of deposits annually/, etc. Actual investments exceed the original presumption several times, which leads also to the unacceptable prolongation of simplified economically understood repayment period to 40 years or more, yet without calculation of ecological losses, which can be directly economically enumerated. The pumping /up to the 10 m height/ of Danube tributaries into dams will contribute to high operating costs, so as the maintenance of several hundreds km of protective dikes, extraction and storage of sediment deposits and artificial irrigation of agricultural and forest soils in the areas where ground water levels will decrease.
- i/ indirect ecological and economic losses arise during limestone mining and cement and other materials production for construction of both dams. Concentration of enormous building capacities and high material consumption negatively disturbs also the realisation of other constructions. / including construction of waste water cleaners/ all over Czechoslovakia.
- j/ highly problematic - probably relatively short - operation expectancy of dams Gabčíkovo-Nagymaros /first of all due to rapid filling up, with sediments/, in sharp contrast to their irreversible character - the country will change forever.

3. Conclusions and recommendations

The potential benefits of WD system Gabčíkovo-Nagymaros can not be underestimated, mainly the importance of "clean" energy production /eventually even during the peaks of consumption/ and that of navigability improvement at difficult parts of Danube. On the other hand, we can not ignore the fact, that the potential energy production of ^{WD}WD system will represent only 2.2 % of electric energy production in Czechoslovakia

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in 1986 / which is equal to the annual rise in electricity consumption in Czechoslovakia/ and that there has been several times cheaper measures to maintain the navigability improvement.

However, other positive effects foreseen by projectors are very doubtful. WD system will lead probably to general decline of agricultural wood production in the respective area. Neither the increase of total risks to the environment in that area can not be excluded, because the expected positive effect on suppression of flood attacks can be substantially over-exceeded by harms caused by disruption of dikes in the case of breakdown.

Positive consequences of WD system Gabčíkovo-Nagyymaros will thus be substantially lower than it has been presumed primarily. Besides that, a number of above mentioned /and others/ negative effects can be expected with high probability. In general, negative effects will have a long-lasting, or even permanent character. Undesirable side-effects of WD Gabčíkovo-Nagyymaros concern Czechoslovak territory first of all. Also the WD Nagyymaros can have very significant negative consequences on the Czechoslovak side; it does not touch only Hungary, as it is erroneously presumed sometimes.

Considering the above mentioned conclusions so as the existing extent of construction at both dams we suggest following measures :

- a/ to stop wood-cutting in meadow forrests immediately so as to stop other negative impacts to ecosystems in the WD construction area, at least till the whole project is fully reevaluated ;
- b/ to change WD Gabčíkovo to continuous regime of electricity production with partial peak regime, which would lower periodical fluctuations of water level in Hrušov basin to maximally 20 cm and in the draining channel below the Gabčíkovo to 80 cm or less. This solution enables :
 - to abandon the construction of WD Nagyymaros, potential energetic benefit of which is negligible
 - to reduce substantially the ecological /and successive hygienical and economic/ harms caused by high water level fluctuation in WD Gabčíkovo area
 - to lower the number of turbines in WD Gabčíkovo and thus to lower investments

- to make the area of Hrušov basin smaller thus to lower the area of devastated forests and other ecosystems
- to increase the total energy production in WD Gabčíkovo /thanks to better efficiency/ ; at the same time the amount of peak energy would decline ; according to mountain character of Danube the maximal flows use to occur at the beginning of summer, when the energy consumption declines considerably

c/ not to build WD Nagymaros in the present conception , and to use the existing work for the construction of a low river step swelling up the Danube level maximally to a 20 km distance, eventually to use the current situation only for deepening the river-bed. Proposed solution can :

- diminish the negative ecological and other impacts of the whole WD system by the entirely fundamental way
- provide the needed navigational improvement in area under consideration
- considerably reduce total investments ;

d/ to alleviate the deepening of derivational channel and to abandon the deepening of Danube river-bed below hydropower plant Gabčíkovo and also below the Nagymaros rocky threshold, or at least to lower substantially its depth. It is true that this measure would diminish the river-slope and therefore also the amount of produced energy, but in the same time it would enable:

- to diminish or entirely remove water levels decrease in the river-bed and in surrounding ground-water ; this would eliminate / or limit/ losses in forest ecosystem and in agriculture
- to diminish investments and operating costs to deepening the river-bed and irrigation construction ;

/ to rise the water flow through the original Danube bed at least to 400 - 600 m³/s to maintain its water and terrestrial ecosystems, even if the total energy production would diminish ;

f/ to make permeable / at least to some extent/ the ^{bottom} dikes of derivational channel in order to prevent a significant ground water level decrease;

- g/ to prepare and to realize a set of measures to minimize negative ecological impacts of WD Gabčíkovo, e.g. to build artificial islands with inner lagoons, to revive the system of lateral Danube arms to articulate the banks of Hrušov basin, etc. ;
- h/ to accelerate the construction of waste water cleaners along Danube basin, which affects mainly the water quality in the Hrušov dam all water cleaners should operate before starting to fill the dam ;
- i/ to introduce immediately an efficient system of supervision upon the construction independently from projectors and constructors of both dams, which would guarantee a minimalization of harms and from avoiding the technological discipline and the irresponsible "taking chance" in a chaotic situation accompanying such an extensive constructions /e.g. for illegal deposits of waste / ;
- j/ to proclaim The Danube Natural Park and to secure its protection as it has been proposed by Slovak Union of Nature and Landscape Conservators.

All these / and other/ propositions should be judged by the committee composed of defenders and opponents to the existing concept of WD Gabčíkovo-Nagymeros system, and with participation of experts of all three interested states, i.e. Czechoslovakia /not only Slovakia/, Hungary and Austria and also with independent experts from other countries. Governments of interested states should reevaluate basically the whole project and procedure of its realisation. Impulse to this step should come from Czechoslovakia.

Prague, November 14th, 1988

In the name of working group
at Ecological Section, -Cs. Biol. Soc.

ing. J. Vevroušek, CSc.

h/

h/ discreditation of people s confidence to political system, which long-lastingly and one-sidedly prefers the narrow economically and technically oriented attitudes with considerable impact to the count and nature and which ignore the opinion of people, who call attention to potential negative effects. Unresponsive and undemocratic method during search for generally more acceptable solution and manifested obstinacy can also worsen the Czechoslovak relations to Hungary for a long time.

Annex 44

REPORT FOR THE COUNCIL OF MINISTERS, 4 MAY 1989

Deputy President of the
Council of Ministers

Report for the Council of Ministers

On 3 May 1989 in Bratislava we held a working meeting with Pavel Hrivnák, the First Deputy President of the Government of the Czechoslovak Socialist Republic, the Partner President of the Hungarian-Czechoslovak Technical and Scientific Co-operation Committee. Central to the meeting was the preparation for the Presidential meeting scheduled for at the end of this month.

From the content of the discussions I would like to highlight the following:

Prior to the Presidential discussions the ministers responsible for the environmental issues of the Gabčíkovo-Nagymaros Barrage System held a meeting where they put forward a co-ordinated proposal that the Governments should sign a separate agreement concerning these issues. During the meeting the Czechoslovak party brought to my knowledge unequivocally that they were ready to conclude the treaty, but they would be willing to negotiate on environmental issues or conclude the treaty only if the Barrage System would be built in its entirety, according to the original concept. In connection with that I have explained: our Government has not stopped any works so far, the construction including Nagymaros continues according to the agreed schedule. Our Prime Minister undertook the obligation at the March session of the Parliament not to carry out any irreversible work. At the same time we have to wait until the Parliament decides on the eventual referendum concerning the construction of the Nagymaros Barrage. My partner has noted my statement with understanding, but indicated that it would seriously prejudice the Czechoslovak interests if eventually the Nagymaros Barrage was not built. He requested to receive unequivocal information during the meeting of the heads of governments.

We agreed that the draft of the environmental agreement would be made by the experts until the end of June.

My counterpart announced that on 29 May there will be an international meeting of 7 ministers discussing environmental issues concerning several countries. I pledged to fulfil his request that a Hungarian delegate participate.

Concerning several major issues of bilateral economic co-operation we agreed that the people responsible for possible Hungarian participation in manufacturing Skoda cars will meet before the presidential meeting, and we will pay attention to the entrepreneurial meetings relating to the foundation of a joint viscose-silk-manufacturing company.

We agreed that at the presidential meeting it will be advisable to exchange views on plan-co-ordination for the years between 1991 and 1995, the standpoints of the two countries relating to the COMECON reforms, and the necessity of continuing consultation about the economic reforms being introduced in both countries. We found that within the framework of the consultations it was timely to exchange our observations about the provision of laws relating to foreign working

capital, the formation and operation of joint ventures with foreign co-ownership, and the evaluation of our countries' relations with international economic organisations.

We agreed that at the presidential meeting we will recommend an exchange of views on the change to the use of hard currency for part of the Hungarian-Czechoslovak exchange of goods, settling the yearly full or partial balance of payment in hard currency as a first step. I indicated that we hope that as a result of the gradual change to using hard currency within the COMECON, which will be introduced in the first instance in Hungarian-Soviet relations, where we have started making preliminary investigations, will be the acceleration of the change to our industrial structure. This step will have to be made even if we suffer losses initially.

My counterpart in relation to these questions predicted greater chances of success for the use of national currency in the bilateral and multilateral settling of payments, but he said that our recommendations will be heard with interest and they are prepared to enter into consultations about them.

Finally, my counterpart requested that we settle our commitment, overdue from 1988, for the delivery of maize in full, and also to make our hard currency payment – that we had agreed to – for cokeable coal and coke delivered in the first quarter of 1989. I pledged to fulfil his request by the end of this month.

I had private discussions with Pavel Hrivnák.

4 May 1989

Signed by Dr. Peter Medgyesi

Annex 45

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

NOTE VERBALE

663-31/89.

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

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

- 1./ The Hungarian Party reported on the prolongation of the suspension of work in Hungary related to the Nagymaros dam and barrage technology from 31 July to 31 October 1989.
- 2./ The Hungarian Party announced that, during the suspension period, further investigations of the ecological risks entailed by the project shall take place and that during this period no irreversible technical measures shall be taken. This is the reason why preparatory work conducted on the territory of Hungary and related to the relocation of the Danube's bed at the Dunakiliti weir plant was also to be included in the range of activities to be suspended.
- 3./ The Hungarian Party has submitted a proposal in two variations for the joint investigation of the feasibility of the Gabčíkovo-Nagymaros Dam System and invited the Czechoslovak Government to make an assessment of the proposal and to hold joint discussions on the matter.

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

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

Czechoslovak Party assured the Hungarian Party that the Czechoslovak Government would assess these proposals.

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

The Czechoslovak Party received the Hungarian proposals referred to in Point 3./ above in writing as early as 20 July 1989, that is at the time of the meeting between the Heads of the Hungarian and Czechoslovak Governments, the proposals were later repeated by the Hungarian Government Commissioner in charge of the construction of the Gabčíkovo-Nagymaros Dam System, who, on 3 August 1989 in Bratislava, handed over an edited version of the said proposals with a clear scheme attached, and accompanied by an exhaustive oral explanation, to the Czechoslovak Party.

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

The Government of the Hungarian People's Republic hereby wishes to draw the attention of the Government of the Czechoslovak Socialist 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 Gabčíkovo-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.

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

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

The Government of the Hungarian People's Republic firmly rejects the statement contained in the *Note Verbale* of the Czechoslovak Socialist Republic dated 18 August 1989 according to which

steps taken by the Hungarian Party put into question its reliability in respect of negotiations conducted on the subject of the dam system.

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

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

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

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

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

Budapest, 1 September 89

To the Embassy of the Czechoslovak Socialist Republic
Budapest

Annex 46

GOVERNMENT RESOLUTION (3305/1989) OF THE COUNCIL OF MINISTERS ON THE MEASURES TO BE TAKEN ON THE BASIS OF EXPLORATORY RESEARCH ON THE DOMESTIC AND INTERNATIONAL, LEGAL, ECONOMIC, ECOLOGICAL AND TECHNICAL CONSEQUENCES WHICH WAS PERFORMED DURING THE SUSPENSION OF WORKS AT NAGYMAROS, 27 OCTOBER 1989

1. The Council of Ministers confirming its preliminary standpoint encompassed in resolution number 3265/1989 of 22 September:

- a/ States, that Hungary and Czechoslovakia would fall into an ecological state of necessity in the event of a commencement in the operation of the water-barrage according to the original plans, and therefore, it finds it necessary to eliminate the peak-operation mode of the barrage, and therefore the abandonment of construction of the Nagymaros Barrage.

The Hungarian Party finds it necessary to repeal the section of the Protocol, signed in February 1989, on the acceleration of construction works at the water-barrage related to Nagymaros .

- b/ It finds it necessary to conclude an agreement to minimise the environmental risks inherent in the basic-operation mode of the Dunakiliti-Hrušov reservoir and of the Gabčíkovo waterpower plant; and to establish a comprehensive water-quality protection, technical-operational and ecological system of guarantees related to the Dunakiliti-Hrušov reservoir, to the Dunakiliti weir, to the Gabčíkovo waterpower plant, to the power-canal and to the Danube river section extending to Nagymaros.

The condition for filling the Dunakiliti-Hrušov reservoir is the conclusion of the inter-governmental agreement. In the event that a Czechoslovak statement of willingness to conclude the inter-governmental agreement is given, the preparatory works on the relocation of the riverbed of the reservoir could be continued;

- c/ It finds it necessary, on the basis of what was encompassed in points a/ and b/, to amend "The Treaty on the Implementation and Operation of the Gabčíkovo-Nagymaros Barrage System Concluded on the 16th Day of September 1977 Between the Hungarian Peoples Republic and the Czechoslovak Socialist Republic" and the agreements supplementing the Treaty.

It proposes that Parliament authorise the Council of Ministers to propose to the Czechoslovak Contracting Party the amendment of the Interstate Treaty.

2. If Parliament gives authority to the Council of Ministers to initiate the amendment of the Interstate Treaty, the following measures shall be taken:
 - a/ The Council of Ministers instructs the Minister for the Protection of the Environment and Water Management in co-operation with the interested Ministers to devise the work-plan of all the necessary measures which have a connection with the amendment of the Interstate Treaty and agreements connected to the Treaty, as well as the plans and investment;

Person In Charge: the Minister for the Protection of the Environment and Water Management
 the Minister of Justice
 the Minister of Commerce
 the Foreign Minister
 the Minister for Industry
 the Minister of Finance
 the Head of the National Planning Office
 the Minister of Transport, Communication and Public Construction
 the President of the National Bank of Hungary

Deadline: 7 November 1989

The detailed textual modification of the Interstate Treaty and of the connected agreements shall be prepared in accordance with the task plan approved by the Council of Ministers.

Person In Charge: the Minister of Justice
 the Foreign Minister
 the Minister for the Protection of the Environment and Water Management
 the Minister of Transport, Communication and Public Construction
 the Minister of Commerce

Deadline: 15 November 1989

The Treaty-amendment proposal approved by the Council of Ministers, shall be handed over to the Czechoslovak Party in a procedure as defined in the Treaty.

Person In Charge: the Government Commissioner of the Gabčíkovo-Nagymaros Barrage System

Deadline: 15-20 November 1989

b/ The Council of Ministers instructs the Minister for the Protection of the Environment and Water Management in co-operation with the interested ministers to take the following measures in connection with the dissolution of agreements related to the construction of the Nagymaros Water-barrage:

- The termination of foreign trade-related private law contracts connected to the construction of the Nagymaros Barrage shall be prepared, taking into account the financial consequences.

Person In Charge: the Minister for the Protection of the Environment and Water Management
 the Minister for Commerce
 the Minister for Industry
 the Minister for Finance
 the President of the National Bank of Hungary

Deadline: for the preparation of termination of contracts 7 November 1989,
for the termination of contracts 15 November 1989.

- Other contracts related to the Nagymaros Barrage shall be supervised, and the contracts shall be terminated apart from the ones on the works on flood protection, on indispensable transportation and directly ones for providing the living conditions of the region.

Person In Charge: Minister for the Protection of the Environment and Water Management

Deadline: immediately, depending on the conditions of the contracts

- The flood protection defence plan of the region of Dunakiliti shall be elaborated, and it shall immediately be reconciled with the competent Czechoslovak water management organisations.

Person In Charge: Minister for the Protection of the Environment and Water Management

Deadline: immediately

- The investment proposal for the Gabčíkovo-Nagymaros Barrage System shall be reframed in accordance with the proposed modification of the Interstate Treaty, and the modified investment proposal shall be submitted in the order of procedures for state investments.

Person In Charge: Minister for the Protection of the Environment and Water Management

Deadline: 31 December 1989

- A new comprehensive regional development concept and arrangement plan shall be elaborated - with the participation of the local and regional councils - for the section of the Danube between the state border and Nagymaros, in order to establish the balanced development of the Danube and the region.

The infra-structural developments planned and already being implemented, not directly related to the project at Nagymaros shall be fully executed without increasing the burdens of the inhabitants.

Person In Charge: Minister of the Interior
Minister for the Protection of the Environment and Water Management
Minister of Transportation, Communication Housing and Public Construction
Minister of Industry
Minister of Agriculture and Alimentation
President of the National Planning Office
Minister of Finance

Deadline: continuous

3. The Council of Ministers hereby extends the mandate of Dr László Udvari, Under-Secretary of State for Transportation, Communication, Housing and Public Construction, appointed by Resolution 1071/1989 (VI.15) of the Council of Ministers, as Government Commissioner - with the same scope of activity - in accordance with the regulation on tasks and duties embodied in the said resolution. This mandate shall be valid until its withdrawal.

The provisions in Articles 6-10 of the Resolution of the Council of Ministers 1071/1989 (VI.15) and the annex thereto shall cease to have effect after their implementation.

The temporary committee formed under resolution 3265/1989 of the Council of Ministers on the organisation and direction of the tasks related to the modification of the treaty concluded between the Hungarian Peoples Republic and the Czechoslovak Socialist Federal Republic on the construction and operation of the Gabčíkovo-Nagymaros Barrage System shall continue to operate. The committee shall execute its co-ordinating work in co-operation with the ministers and leaders of bodies of national authority without taking over their tasks and authority.

The committee is a working committee comprising of the Deputy Ministers (Deputy Presidents) and Under-Secretaries of State of the Ministry for the Protection of the Environment and Water Management, Ministry of Justice, Ministry for Foreign Affairs, Ministry of Industry, Ministry of Transportation, Communication, Housing and Public Construction, Ministry of Finance, National Planning Office and the Hungarian National Bank.

The Council of Ministers calls upon the President of the Hungarian Academy of Sciences to delegate his representatives for the committee.

The activities of the committee shall be directed by the Government Commissioner of the Gabčíkovo-Nagymaros Barrage System. The activities of the committee shall be supervised by the Deputy President of the Council of Ministers.

4. With this present resolution, resolution 3265/1989 of the Council of Ministers shall cease to have effect.
5. Point 2/a-b. of this present resolution shall enter into force upon Parliament giving authorisation for the initiation of the modification of the Interstate Treaty.

Budapest, 27 October 1989

Miklós Németh
President of the Council of Ministers

Annex 47

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

NOTE VERBALE

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

The Government of the Czechoslovak Socialist Republic was ready to consider the Hungarian Party's proposal to sign an agreement between the Government of the Czechoslovak Socialist Republic and the Council of Ministers of the Hungarian People's Republic on a system of technical, operational and ecological guarantees related to the Gabčíkovo-Nagymaros Barrage System. The Czechoslovak Party expressed its willingness to conclude such a convention within a short period of time, upon the condition that the Hungarian Party starts the preparatory operations for the closure of the Danube bed at Dunakiliti without delay.

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

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

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

All proposals put forward by the Government of the Czechoslovak Socialist Republic originate in, and are in complete concordance with the Treaty signed by the Czechoslovak Socialist Republic and the Hungarian People's Republic on 16 September 1977 on the construction and operation of the Gabčíkovo Nagymaros Barrage. The Hungarian Party made the acceptance of the Czechoslovak proposals conditional upon acceptance by Czechoslovakia of the modification of the Treaty of 1977 on the construction of the Gabčíkovo-Nagymaros Barrage System with the views of abandoning the construction of the Nagymaros Barrage. The Government of the

Czechoslovak Socialist Republic sees no justification for a modification of the aforementioned Treaty.

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

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

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

Prague, 30 October 1989

Annex 48

CZECH AND SLOVAK FEDERATIVE REPUBLIC

Federal Committee for the Environment

Slovak Ministry of Water and Forests Resources
and Wood Manufacturing Industry
Representative of Government of The Czech and Slovak Federative
Republic and Slovak Republic for the construction and management
of Gabčíkovo - Nagymaros hydropower scheme.

Invitation of proposals:

SURFACE WATER AND GROUND WATER MODEL OF DANUBIAN LOWLAND
BETWEEN BRATISLAVA AND KOMARNO:
ECOLOGICAL MODEL OF WATER RESOURCES AND MANAGEMENT

Programme: European Community
PHARE - Environment Protection

Contamination and degradation of ground water is being detected with increasing frequency in Slovakia, especially at Danubian lowland. Ground water is the basis for solving ecological problems, fertility questions, protection and exploitation of natural resources in this part of country. Moreover there are the largest ground water resources of high quality, estimated at 20 m³/s. The strategic position of this lowland and the new large hydropower scheme under completion, "Gabčíkovo", require a thorough and complex study of a proper impact assessment model, enabling authorities to ensure the protection of natural and anthropic resources, balanced ecological development, as well as optimized decision making and management.

Elaborated by:

Faculty of Natural Sciences, Comenius University
Division "Ground Water", an expert group of the Representative of
Government of The Czech and Slovak Federative Republic and Slovak
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Nagymaros hydropower scheme.

Bratislava, October 25, 1990

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ANNEX 1

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"... protection and improvement of the environment, conservation of nature and the rational use of her resources are essential to the welfare of people and economic development of all nations..."

Helsinki, August 1. 1975

I. PREAMBLE

The pollution and degradation of ground water have already been detected. Problem of ground water degradation is serious in the "Zitny ostrov" region in connection with the construction of the Gabcikovo hydropower scheme, with the agricultural and industrial activities and with changes in the whole river Danube basin.

Ground water is characteristic with complex physical, chemical, geological, hydrological, biological, and human interactions. In addition there are influences of various use of land, nature, ground water, river etc. Ground water is basis for solving ecological problems, fertility questions, protection and exploitation of nature. There do not exist "standard protection methods" of ground water quality and quantity.

Modelling of ground water flow, water quality, ecological processes, the management of ground water use and protection is most difficult and delicate and requires a complex interdisciplinary cooperation. Understanding of such a system is an important part of modelling.

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

II. INTRODUCTION

The Danube is among the most important rivers in the world. Over 70 million inhabitants of eight countries are directly influenced in the basin. Danube is a vital factor of biological life, human, plant and animal, transport carrier, while at the same time she is the recipient of the effluents, the waste waters of a wide variety of human activities.

The importance of the Danube, the necessity of her regulation and development was already recognized in ancient times. The Romans excavated a canal to bypass the dangerous rapids in the Iron Gate section on the Lower Danube. Emperor Tiberius ordered the building of regulated banks and a towpath to facilitate the upstream passage of barges. Queen Mary, wife of Bela IV, who ruled from 1235 to 1270 had a new straight bed excavated for the Danube between Bratislava and Gönyü to protect her Moson estates from the floods on the river. Stephen Szechenyi (1791 - 1860), a prominent politician of the Hungarian reform era, the builder of the Budapest Chain Bridge and founder of the Hungarian Academy of Sciences, were the driving force behind the ambitious project of Danube regulation improving the navigation condition, flood control and land drainage. The lowlands on the both Danube sides were regularly flooded. Floods devastated large parts of Hungarian Szigetköz area in 1954 and of Zitny ostrov area in 1965. The first dam, the Kachlet Dam, inaugurated in 1927, was followed by 29 similar projects.

The strategic position of the "Zitny ostrov" region (see Annex 1) and the new large hydropower scheme under completion, require a thorough and complex study of a proper impact assessment model, enabling concerned authorities and organizations to ensure the protection of natural and anthropic resources, a balanced socio-economic development of the area, life quality, as well as optimized decision making and management. In Zitny ostrov there are high developed agriculture, extreme great ground water resources, natural riverside and meanders woods and forests with valuable fauna and flora, anti-flood river Danube regulation

works, international ships water way and harbour, high density of population and important industry.

The construction of any river dam entails changes in the environment. Any interferences is associated with changes, both adverse and beneficial. In particular, the various and sometimes delicate equilibria or conditions, that have been developed over many decades, aimed at water resource exploitation and surface downflow control, have been significantly modified by the Danube upstream hydropower schemes and will be further changed by the new hydropower scheme and related infrastructures in connection also with the precarious ecological conditions.

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.

II. 1. A CALL FOR JOINT HUNGARIAN - SLOVAK RESEARCH

Ground water especially 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 ground water is deteriorating faster than has hitherto been assumed.

In order to implement a scientifically based ground water control program in the Danubian lowland territory it is necessary that a scientific research program will be a common program of hungarian, slovak and international surface water and ground water specialists. This project shall help to initialize the international cooperation in Danubian lowland area and bring to a cooperation hungarian and slovak specialists.

III. DESCRIPTION OF CONDITIONS

III. 1. PHYSICAL CONDITIONS

The territory under consideration (Annex 1) extends on Czechoslovak territory from Bratislava to Komarno and from the river Danube to Carpathians (see map). Southward from the river Danube it extends on Hungarian territory between Danube and river Mosoni Duna Szigetköz.

The main characteristics of the area can be summarized as follows:

- a low lying, gently sloping plain area;
- weak surface layer formed by fine humic materials and soils, with variable thicknesses from tens of centimeters up to three meters;
- thick alluvial aquifer (the river Danube gravel deposits) with thicknesses from 10 m up to over 300 m, with great variability of particle size distribution and high hydraulic conductivity, intercalated by fine lenticular sands and meander deposits;
- continental climate of central - european type, with well differentiated meteorological seasons; rainfalls comprise between 500 and 700 mm/yr; temperature ranges between -15 up to over 30 °C;
- river conditions of Alpino-continental type, affecting the aquifer through direct recharge. Hydrograms of the Danube show the discharge ranging from 1000 to 11000 m³/sec (average 2000 m³/s) and amplitude of water level fluctuation in Bratislava from 1 up to 10 m;
- wide river meanders with dynamic water regime with changing water levels and regular flooding;
- unique and valuable fauna and flora resources;
- ground water affected by the Danube water both quantitatively and qualitatively.

III. 2. GROUND WATER PROBLEMS

The ground water problems are the most important ones and there are described in separate chapter in Annex 2.

III. 3. ANTHROPIC AND LAND USE CONDITIONS

Main resources of the territory are:

- intensive and diverse agriculture, irrigated in the upper part and drained in the lower part of the area;
- spread livestock breeding;
- industrial activities, mainly in the field of food and wood processing, important chemical and petrochemical complexes;
- extreme large ground water resources which are in danger of agricultural and industrial pollution and degradation.

III. 4. GABCIKOVO HYDROPOWER SCHEME

The Gabčíkovo hydropower scheme constructed in slovak territory will radically modify the existing hydraulic structure and conditions of the river Danube, ground water flow and water quality over a length of about 50 km downstream from Bratislava. The main components and characteristics of the scheme are as follows:

- two perimeter embankments that dam the natural meanders of the river. The dam crest is at the elevation of 133.2 m a.s.l. The artificial reservoir retains Danube waters up to 131.2, maximum up to 131.7 m a.s.l.;
- a concrete barrage in the Danube river bed at the end of the reservoir near Hrusov for releasing some water into the old river bed and the river floods and for keeping water levels not to exceed the maximal heights;
- along the left riverbank, embankment continues downstream for approx. 20 km, forming an artificial channel, from 500 to 1000 m wide. This channel will lead 4000 m³/s water to Gabčíkovo hydropower station, with 8 Kaplan turbines and a

total installed capacity of 720 MW and head difference of 22 m between the max. water elevation upstream (131.1 m a.s.l.) and the average elevation (109 m a.s.l.) at the downstream channel, returning the water to the Danube;

- downstream from the power station the artificial channel extends for about 10 km, where it joins the natural river bed of the Danube;
- a reinforced concrete double navigation lock, besides the power station, to allow two-way transit of ships up to 70000 gross tonnage
- open foundation pits bottoms were sealed by grouting and subsurface walls were sealed by self-solidifying clayey suspension.

The objectives of the scheme are:

- to meet the increasing energy demand, making available about 3700 Mio GWh/yr;
- to allow navigation by means of the two navigation locks, at any moment and also during the dry seasons with insufficient Danube discharge;
- to control the flow of Danube water along the controlled section of the river for all possible hydraulic conditions;
- to improve recharge conditions to the aquifer upstream from the barrage near Hrusov.

IV. SPECIFIC PROBLEMS TO BE TAKEN INTO ACCOUNT AND TO BE SOLVED

IV. 1. NAVIGATION

At present, navigation along the river Danube, especially in the region between Bratislava and Komarno, is restricted due to moving sandbanks. The low water level in late summer and autumn limits ship passage. Construction of this structure will be part of the planned Danube-Rhine-Maine inland navigation system to be completed by 1994.

IV. 2. FLOOD

Flooding occurs regularly on some of the flat reaches of the Danube. Most areas are currently protected by a system of dikes and canals with pumping stations for inland drainage. The build-up of the Danube bed in some places through silt and sand deposition reduces the safety of the dike system and further flood protection is therefore needed.

IV. 3. RECREATION, TOURISM AND NATIONAL PARK

The river Danube is meandering in this region, it has a stream flow of mountain type of regime. The meandering sides of river woodscape are considered worthy of status of national and international park. The character of these meanders and woodland lies in their dynamic water and groundwater regime with changing water surface levels and regular flooding of meanders. It is incumbent upon the next generations to preserve this part of the Danube area creating a state of gradual transition into the future national park. This area has already been degraded by the presence of stagnant and long-lasting low water in the river meanders. Some of them are already dry. In this connection the planning activities must prominently deal with concepts to preserve the species, corresponding to the international trend.

IV. 4. WATER QUALITY AND ENVIRONMENTAL ISSUES

Water quality characteristics and analysis of possible changes of water quality in river, reservoir and in meanders, should be estimated as effects of water "stagnation", caused by possible natural or artificial barrages. As well as a basic description of water pollution and quality, the study should include:

- inert materials,
- organic materials and nutrients,
- heavy metals,
- limnic effects on the reservoir water,

- redox-conditions.
- ecological evaluation of biotypes.
- possibility of potential pollution and risks connected with navigation.

The river Danube is currently plagued with serious industrial, agricultural and domestic wastes. Major contaminants include municipal sewage, heavy metals, nutrients, oil and oil products, chemicals, and other man made products. The Danube should not be the waste transport medium.

The need exists for assessing and eliminating of industrial and agricultural waste production in the area under consideration, representing a top priority issue for environmental protection plans.

Direct pollution of ground water from the surface is taking place. Therefore sewage and waste water management have to be improved.

Sedimentation and solid transport is most apparent in the reservoir. On the basis of existing data it is necessary to estimate:

- settling governing conditions,
- characteristics and quality of settled sediments especially grain size and total organic carbon,
- effects on the natural vertical permeability - clogging of river and reservoir bed and their possible variations,
- bottom stability and possibility of bed-load control by various structures.

Deposition of sediments containing heavy metals and organic materials in the reservoir should be avoided. Percolation of such contaminants into the aquifer could cause serious, irreversible ground water quality problems. Therefore a mathematical model of river, channel and lake with sedimentological prognosis to evaluate and predict the amount and quality of sediments is to be used to optimize (or change) future reservoir. The problem of

deposition of silt with organic matter will be acute in the Hrusov-Dunakility reservoir and in the old Danube bed. Results of this modelling should be compared with the processes in Danube reservoirs in Austria (eg. Altenwörth, Aschach, Greifenstein).

The new hydraulic conditions in the reservoir significantly modify the interactions between the river reservoir, meanders and ground water (see Annex 2). The study must therefore include a series of analyses and simulation models to evaluate the possibility to improve the projected situation. The answers provided through model simulation, will have to be then verified with real-scale experimentation in second phase.

A detailed three-dimensional computer ground water model interconnected with model of reservoir and river water quality, could reflect the various possible problems.

IV. 5. AGRICULTURAL MANAGEMENT PRACTICES FOR MINIMIZING THE GROUND WATER CONTAMINATION AND DEGRADATION.

Agricultural activities are leading to contamination of ground water with following items:

- nitrate and pesticides,
- organic matter changing an oxidizing state to reduction one
- fuel, oil etc. (e.g. by using defective machinery),
- concentrated manures, sewage and other wastes,
- the improper tillage practices

The challenge is to identify, recommend and implement agricultural practices that will minimize the potential for ground water contamination and degradation without imposing unrealistic or unnecessary restrictions on agricultural producers. There is a substantial need for applied work and demonstration to evaluate the agricultural practices, to minimize the groundwater degradation, to regulate ground water to improve the agricultural production and to minimize the irrigation expenses.

In recent years, some integrated guidelines for the management of tillage practices, crop residues and nitrogen fertilizers have been developed. An example is the NTRM, a Soil-Crop Simulation Model developed at United States Department of Agriculture and at University of Minnesota. Program could be probably interconnected with the 3D ground water model.

IV. 6. HYDRAULIC RESERVOIR CONDITIONS

This include hydraulic conditions in reservoir and in the artificial channels upstream and downstream from the Gabčíkovo power station. It is necessary to solve problems under different operational scenarios and according to the various possible technical solutions and natural flood occurrences:

- filling times
- stratification effects
- gate and turbine operation
- load and unload variations
- wave effects due to natural and artificial phenomena
- system flexibility
- ice and frost effects

IV. 7. INFLUENCES ON ECOSYSTEM

Effects caused by different possible management and decision making on:

- general ecological conditions
- meanders and riverside woodscape
- agricultural production
- fishery
- phosphorus impact and eutrophication in reservoir and river

It is necessary to estimate the surviving and reproduction conditions of main water fauna and flora.

IV. 8. MONITORING AND OPERATIONAL CONTROL SYSTEMS

Actual water quality and flow control networks should be examined to assess if they can meet both present and future control objectives during scheme operations or if modifications and/or integrations are needed. The envisaged operational model of the scheme (reservoir, hydropower station, channels, old river bed, meanders) should be also carefully examined.

V. METHODOLOGICAL APPROACH

The brief descriptions of the main territorial characteristics and the mutual interferences allow to identify methodological approach in two distinct phases:

1. Inception report.
2. First immediate phase of decision making.
3. Second phase of preparing the tools for optimizing details and long term problems.

Inception report, or so called definition study, shall focus on the definition of special subjects related to the 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, ground water, agriculture, population, ecology and nature of Danubian lowland. Inception report should be prepared until a month after start of work.

The first immediate phase consists of following actions:

- cooperation and data collection from all organizations involved in this region (Monitoring group at SHMU, GEOFOND, HYDROFOND, IGHP, HYDROCONSULT, VUVH, agricultural organizations, etc.).
- evaluation of all available data and information of

interferences and consequences over the territory with and without consideration of Gabčíkovo hydropower scheme, under all possible operating conditions;

- methodological decisions of use of one of existing models or of developing a special new model for 3D ground water flow; water quality, biological and transport models; agricultural models; river and lake sedimentological models; geographical and other databases; etc. tailored for Zitny ostrov conditions;
- definition of data necessary for creating and running the chosen models;
- elaborating methods for field data estimation;
- preparing simulation models - mathematical model of river, channel and reservoir, ground water flow and quality model, agricultural management model to minimize ground water contamination;
- identify the probable and potential (trend) effects so that the most suitable management decisions can be made, that necessary remedial action can immediately be identified to eliminate possible unacceptable, recurring etc. risks;
- preparing data for calibration and verification of models and of carrying out the sensitivity analysis.

This should all be done from the point of view of:

- international rights,
- ecology and agricultural production,
- ecology and environment,
- ground water and river water,
- hydrotechnics and hydroenergetics
- navigation and control of rate of flow in Danube,
- economics,
- sociology, hygiene and human ecology.

At the end of the first phase definite general decisions as to the technical solutions should be taken. The designs shall be submitted to the representative of the government. The general decisions will be made on not calibrated deterministic models.

The second phase is appointed to calibration and verification of the potential effects previously identified and is determined to analysis of the actual effects taking place. In other words, a great portion of the assumed conditions will be experimented with the real scale. The actual effects, additional design criteria, scheme management criteria can be all ascertained in the context of the priority objectives which are to be accomplished. This phase can be definitely considered as the most difficult and delicate one, requiring the most careful analysis in a complex inter-disciplinary framework and definite levels of responsibilities for decision making in piloting and controlling such a complexity of mutual interferences.

The second phase activities will finally allow calibration of a single, large and complex management model of the Gabcikovo system, capable of providing answers on various technical questions. The second phase shall comprise the technical and economic report on the basis of the approved general scheme.

At the end of the phase, all modelling systems should be handed over to the organization responsible for controlling all activities and works in the broad area of interest, which will be established during this programme.

VI. REQUIRED PROFESSIONALS AND DATA PROCESSING RESOURCES

VI. 1. INFORMATION SYSTEM

For storage, manipulation, analysis, display of data and for data preparing for various types of models a computerized information system is needed. This system should integrate access to all environmental and special data needed to make the most efficient use in decision making, while protecting the natural and cultural resources. The system should be internationally interconnected to serve as data and technology transfer. Probably the Geographic Information System GIS is the most efficient system available.

The information system will serve not only the scope of this study but together with all models and equipments also to future control purposes. Information system will be devoted to data management, processing and for modelling purposes in the Danubian lowland.

A scientific monitoring system is in function at The Slovak Hydrometeorological Institute SHMU in Bratislava. Apart from this there are the geological database GEOFOND, and hydrological database HYDROFOND. A well equipped laboratory of analytical chemistry specialized in water and soil exists in Bratislava. Laboratories are usually equipped with IBM XT an AT compatible computers. The Slovak Hydrometeorological Institute is equipped also with Vax compatible workstation.

VI. 2. PROFESSIONALS

Special coordinative and investigative group "Ground Water" has been established at the Faculty of Natural Sciences, Comenius University to lead this programme.

The proposed project shall require an expert team of about 20 units, approximately half local (Slovak) and half foreign (EC) and cooperate with a team of experts from Hungary. The team shall work in cooperation with various specialists. The team will cooperate with all organizations dealing with related problems. Specialists from abroad should also be invited from all over the world, not only from the EC countries, to help in the work.

VI. 3. EQUIPMENTS

The complexity of the study the modelling methods and the large amounts of data and information to be managed, will require adequate information system facilities that indicatively shall comprise:

- IBM RISC System/6000 Workstation, (AIX - UNIX)
- PC 386 type with 60 MB hard disk.
- LapTop computer for field work.
- graphic peripheral facilities, for producing thematic digital maps etc. (graphic video terminals, digitizers, scanners, plotters, printers, alphanumeric video terminals etc.).
- color xerox, fax.
- car and transport.
- networking facilities.
- software: Geographical - Information System, models, compilers, databases, editors, etc.,
- measuring, analytical chemistry, and other field and monitoring equipments.

Offer of hardware equipment, software, measuring and analytical chemistry and monitoring equipment should be made through the professional E.C. proposing firms, to better evaluate equipment requirements, with cooperation with the slovak organizations and the future user.

The complete list of required equipment will be put together during the inception report phase.

VII. WORK ORGANIZATION

Central office for the execution of the entire programme will be established at the Ministry's Expert group "Ground water", where most of the ground water data and analysis will be available.

Local expertise shall also include:

- the consulting group "Ground Water" and experts from Faculty of Natural Sciences of Comenius University,
- experts from the Slovak Hydrometeorological Institute (Monitoring group), Hydroconsult - general projecting organization, VUVH and other research institutions.

Foreign and Slovak 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.

It is recommended the participation of two EC member state firms, specialized in environmental control plans, hydropower schemes, ground water, modelling, ground water protection, territorial information systems, etc. with experience and capabilities in large areas environmental control conceptions.

WORK ORGANIZATION

EUROPEAN
COMMUNITIES

SLOVAK GOVERNMENTAL
INSTITUTIONS
Ministry of water and forest
resources

FEDERAL GOVERNMENTAL
INSTITUTIONS

STEERING COMMITTEE

TECHNICAL COMMITTEE

PROJECT TEAM LEADERS

EC expert firms
and Slovak and
foreign experts

Data processing
centers

CSFR
organizations

VIII. WORK SCHEDULE

The entire programme will be developed over a 24 month period:

First phase: 12 months

Second phase: 12 months

IX. COSTS

Total project costs referring to slovak territory are estimated in about 3 Mio ECU, divided as follows:

Hydrology, river, channel, meanders, reservoir	0.6 Mio. ECU
Ground water (modelling, calibration, etc.)	1.2 Mio. ECU
Agricultural management, environment	0.5 Mio. ECU
Hardware and software facilities and measuring equipments including installation (in addition to the existing ones)	0.7 Mio. ECU
	<hr/>
	3.0 Mio. ECU

Local inputs: monitoring, data collection, geological laboratory and field work, research technical work etc. 20.0 Mio. Kcs

Construction works and productive projects will be provided by the government.

Precise cost summary table should be presented in inception report.

X. SUMMARY & TERMS OF REFERENCES

The summary recapitulates the proposed work.

i. Activities dealing with reservoir, river, channel, meanders

a/ Preparation of model, optimizing both sedimentation

processes and water quality processes in reservoir, channel, old river bed of the Danube and river branches.

- b/ Collection of all necessary data.
- c/ Optimization of existing and projected schemes.
- d/ Estimation of impact on ground water.
- e/ Navigation

2. Ground water flow and quality model

- a/ Development and preparation of the model which includes 3D ground water flow and water quality processes including at least dissolved oxygen, nitrate and organic material as mobile and immobile phase.
- b/ Collection of all necessary data.
- c/ Elaborating methods of parameter estimation.
- d/ Estimation of microbiological data under aerobic and anaerobic conditions.
- e/ Testing of hypotheses and comparison with field measurements.
- f/ Optimization of existing and projected strategy of ground water exploitation and protection.

3. Agricultural management practices to minimize ground water degradation.

- a/ Management practices.
- b/ Water management and irrigation.
- c/ Impact on ground water.
- d/ Agricultural management models.
- e/ Optimization of existing agricultural practices.

4. Public health, environmental and ecological management

- a/ Ecological and environmental optimization of inhabited areas
- b/ Optimization of natural environment
- c/ National and international park
- d/ Riverside lowlands woodscape protection
- e/ Ichthio-ecological improvements

- f/ Protection of fauna and flora
5. Systems analysis and policy analysis:
- a/ Systems analysis and policy analysis related to mentioned topics in relation to environmental and ecological effects.
 - b/ Transfer of tools (computer models and equipment) and related institutional support (training)
 - c/ Assistance in the execution of the policy analysis study to investigate and optimize the various alternatives.
 - d/ Training on the use of above tools and support of local scientists and engineers in the actual application of the tools and the analysis.

XI. REQUIRED SPECIALISTS

Specialists for preparation of inception report:

- Project team leader
- River and reservoir engineering consultant
- Ground water protection specialist
- Ecologist
- Agricultural specialist

Specialists for the first and second phase of project:

- Project team leader
- River and reservoir engineering consultant.
- Limnologist and sedimentologist
- Environmental and ecological scientist
- Ground water flow modeler
- Ground water quality modeler
- Computer graphics specialist
- Geographic information system analyst
- Agricultural specialist
- Geochemist hydrogeochemist
- System analyst
- Lowland forester specialist

Ichtiologist
Public health expert
Navigation specialist
International law expert

Specialists will be included into slovak working teams.

[Annexes Omitted]

Annex 49

Representative of Government of The Czech and Slovak Federative Republic and Slovak Republic for the construction and management of Gabčíkovo - Nagymaros hydropower scheme

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Agreement on Joint Czecho-Slovakian and Hungarian Cooperation on the PHARE - Environment Protection

SURFACE WATER AND GROUND-WATER MODEL OF DANUBIAN LOWLAND
BETWEEN BRATISLAVA AND KOMARNO:
ECOLOGICAL MODEL OF WATER RESOURCES AND MANAGEMENT

Ground water 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 ground water is deteriorating faster than has hitherto been assumed.

In order to implement a scientifically based ground water control programme in the Danubian lowland territory it is necessary that a scientific research programme will be a common programme of Hungarian, Slovak and international surface water and ground water specialists. This project shall help to initialize the international cooperation in 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 "Ground Water" 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 on the definition of special subjects related to the 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, ground water, 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 an integrated modelling system is to be developed. This system should be able to run simulation models of river flow, ground water flow, ground water quality and impact of agriculture on ground water to provide better understanding of the interrelated processes involved, their interactions and basis for decision making.

Bratislava - Budapest, 26. Oct. 1990

Ing. Dominik Kocinger

Dr. George Sámsoni Kiss

Annex 50

MEMORANDA ON THE MEETINGS OF THE COMMITTEES EVALUATING THE VARIATIONAL SOLUTION
OF THE CZECHOSLOVAK PART OF THE GABCIKOVO-NAGYMAROS BARRAGE SYSTEM,
HYDROCONSULT, BRATISLAVA, SEPTEMBER-NOVEMBER 1990

The meeting was convened in accordance with the discussion held on 25 October 1990 by HYCO.

Attending: all those listed on the attached attendance sheet

Since no joint proposal was made, the Chairmen of the individual committees made the following proposals:

- 1) Dr. Kozová (ecology and environmental protection) proposes to set up a synthesising group to integrate the views of the ecological, water management and production groups.
- 2) Ing. Seewald (water-supply engineering and energetics) states that none of the alternatives may be rejected. The committee has no reason to change its view on Variant "A", because this one is recommended as the only real solution.
- 3) Dr. Mucha (water management) recommends not to evaluate the individual alternatives, but rather to resolve the open issues. The 7 alternatives do not start from a demand for meeting ecological conditions, but they were defined through political considerations. Only technical input data are available so far for the randomly selected 7 alternatives. The incomparable things have been compared to one another so far.
- 4) Ing. Liška (economics and production) says that it is necessary to calculate the impact of the individual alternatives compared to the Joint Contractual Plan. The open issues should be resolved within the framework of the 19 measures of the Ministry for Forest and Water Management (24 million Czechoslovakian crowns) and based on those results that are reviewed in terms of the impacts of the barrage. Some committees have not yet provided the data necessary for an economic evaluation (with the exception of Ing. Fulajtár who assumed, however, the implementation of the Joint Contractual Plan and ignored the alterations to the old channel of the Danube and its impacts on groundwater).
- 5) Ing. Cifra (representing Ing. Fulajtár, ecological production) says that all alternatives should be documented from the aspect of the present state of knowledge, however, an explicit proposal should be made for the most appropriate alternative.

In conclusion, Ing. Liška repeated that the following are necessary for the evaluation of the individual alternatives:

- 1) investment and operational costs;
- 2) profits: from hydroelectric power and other profits (shipping, flood control), complementary investments (flood control measures), navigation (Ing. Kucik), agriculture (forestry, fishery, hunting - Ing. Matejka, Ing. Kolbinger, Ing. Bockovská), human ecology of the local population (Dr. Synek).

Finally, it was stated that the different views of the committees cannot be summarised and reconciled in a way that is not contradictory and that this has to be resolved at a higher level.

Recorded by Ing. Rosina

Memorandum

on the discussion of the technical input data of "The 7 alternative solutions for the utilisation of the GNB" presented by HYCO Bratislava

Based on the Memorandum of the discussion held on 14 September 1990 by the Ministry for Forest and Water Management of the Republic of Slovakia, a working discussion was held in order to establish a procedure for developing the variational solutions of the Gabčíkovo Barrage and to discuss the papers presented to the Water Supply Engineering and Energetics Committee, with the participation of the following persons:

Ing. Vladimír Seewald, DrSc - Chairman of the Committee
Ing. Jiri Kulis, CSc
Ing. Jozef Janovicky
Ing. Martin Bačík, CSc
Ing. Ludovit Mozicsik
Ing. Stefan Hromada, DrSc
Ing. Frantisek Cízik

The meeting of the Committee was opened by the Chairman, who briefly summarised the obligations falling on the members of the Committee in accordance with the discussion of the Chairmen of the committees. First, a general debate was held on the papers presented, then the remarks to the individual parts were discussed.

Having studied and discussed the papers, the Water Supply Engineering and Energetics Committee makes the following statement and comments:

A) The completion of the Gabčíkovo-Nagyymaros Barrage System based on the original plan

In terms of the benefits for energetics concerning the amount of hydroelectric power and its required transport in the daily load diagram (peak production), as well as in terms of the distribution of the power supplied, this is the most appropriate alternative, since in its case all the constructed facilities are fully utilised.

The planned alternative engineering solution is preferred by the Committee compared to the original solution on the reach of the old channel of the Danube and on the reach of the Palkovičovo-Hrušov Reservoir on the left hand side floodplain in terms of water management and navigation (providing for sports boating). However, the benefits for and functions of energetics are limited to an admissible extent compared to their original magnitude.

It is necessary, however, to amend Variant "A" in the following way:

1) The contribution of the main users of GNB should be made concrete in the form of data that are physical and calculable in units of measure on:

- international navigation;
- water management;
- energetics (prices and the ratio of the prices of basic and peak energy).

They are only to be approximated, because the general definition of benefits does not give a proper picture of the benefits and losses.

2) Data on hydroelectric power generation, shown in the tables on pages 3 and 14 should be brought to a level that is comparable in order to make the benefits and losses clear in physical units between the original solution as well as the solution of the old channel of the Danube and the Palkovičovo-Hrušov Reservoir on the left hand side floodplain.

With respect to the table shown on page 3, it should be mentioned that the data are in agreement with the Joint Contractual Plan and are also valid for the dredged and un-dredged channel at Palkovičovo.

3) The paragraph on the power canal on page 5 should be amended by the addition of data on discharge, 5050 m³/sec (or what discharge the velocity of 1.3 m/s is linked to). The paragraph on the tail-race canal should be amended by the addition of data on flow of the levels for the crucial facilities and at various levels of operation of the Gabčíkovo power plant.

4) At the paragraph on the Gabčíkovo Barrage on page 6, the method of defining peak operation (daily running up in peak operation, when the first two machines may be loaded after phasing the machines, 40 to 60 sec, after 20 sec the following machine, etc.) should be considered in terms of the restrictions on navigation.

The text on energy-free operation should be amended in an understandable form (this part: "Therefore, spillways had been recommended, which were abandoned in the meantime" should be amended with "However, their function is not substituted for by the energy-free operation of the turbines of the hydroelectric power plant").

It would be appropriate, if it were mentioned with the data shown in the last line of this page the amount by which power generation will be increased with the deepening of the channel of the Danube downstream of the Gabčíkovo power plant (and by how much it will decrease, if the channel is not deepened).

5) On page 7, the second paragraph should be amended as follows: "The old channel of the Danube has to carry from the reservoir any discharge over and above the maximum amount carried through the turbines, the ice and suspended sediment..."

The last paragraph on this page should be amended by the addition of information on permanent discharges of refreshment. Data should be shown on its energetic utilisation, which is, however, lower as if this discharge were carried through the Gabčíkovo Barrage.

6) On page 10, the first line should be amended by "With the functioning of the Gabčíkovo Barrage and the balancing of the water levels as well as by ensuring proper conditions for navigation at any kind of operation of the hydroelectric power plant".

7) On page 11, the first paragraph should be amended with "Dobrohost", its functions, including the planned energetic utilisation of the facility.

The last paragraph on the planned solution need to be amended by: "With the production losses of the Gabčíkovo hydroelectric power plant, compared to the original Variant "A".

8) On page 12, it should be explained in the second paragraph, whether the subsequent discharge will be 50 m³/sec or 350 m³/sec.

9) With respect to the updated engineering solutions of the old channel referred to on page 11 to 14, the following was mentioned:

- the possibility of the energetic utilisation of the planned impoundment facilities should be considered, e.g., with the construction of "micro-" hydroelectric power plants as riverside facilities;

- the old channel and the river branch system were to be evaluated separately. The considerations should be harmonised and mutual relations should be established.

- the establishment, significance and ecological function of a monitoring system were not mentioned anywhere;

- the term "pilot operation" was not mentioned anywhere; the results of its monitoring should be used for making decisions on the further methods of operation;

- it should be considered whether it was necessary to provide for emergency navigation at all; where such a solution was applied in the world and whether emergency navigation was included in the Joint Contractual Plan.

B) The completion of the Gabčíkovo Barrage based on the original plan, without the Nagymaros Barrage, and its operation on a continuous basis

It is necessary to mention that the authors of the technical input data present this alternative as Variant "C".

In principle, this alternative will significantly decrease the benefits of GNB and will have an impact on the surrounding areas.

The Committee points out the following:

1) The first paragraph on page 1 should be harmonised with the negotiating policies of the government (is only the continuous operation considered or will the so called "wave operation" be possible as well?). The impacts on navigation, water management and hydroelectric power should be specified.

2) The data in the table on page 2 should be justified more accurately in comparison with the data in the tables on pages 3 and 14 of Variant "A".

C) A supplementary solution for the Gabčíkovo Barrage: the closure of the main channel of the Danube in the area of Čunovo on Czechoslovakian territory without the Nagymaros Barrage

It is necessary to mention that the authors of the technical input data denote this alternative with a "B".

Furthermore, it is necessary to mention that this alternative is described very poorly and superficially and even the interested workers have difficulties in finding their bearings in this alternative.

Having discussed the solutions, the Committee considers this alternative realisable, however, it sees a major problem in the implementation of the closure of the channel of the Danube.

In the case of Subalternative 1, level 129 is necessary to explain some circumstances concerning energy (what is the maximum discharge flow through the Gabčíkovo Barrage and how at this level it is justified to generate 2,429.4 GWh); the circumstances concerning navigation and water management (facilities for navigation, extraction of water for the Slovnaft Oil Refinery...).

In the case of Subalternative 2, a few explanations are necessary, despite the fact that level 131 as considered does not involve the same problems which occurred in the case of Subalternative 1.

- D) The completion of the Gabčíkovo Barrage without the construction of the Hrušov Reservoir and the Nagymaros Barrage, the closure of the channel of the Danube at the Bratislava-Dunakiliti reach and the installation of turbines in the Dunakiliti Barrage

The Committee establishes that it lacks a sufficient description of the above-mentioned alternative to be able to respond to some serious problems. The above-mentioned alternative does not resolve the problems of navigation, which were guaranteed by the original Gabčíkovo-Nagymaros Barrage System. The accomplishment of water management objectives seems to be very problematic, such as the carrying of levels at high waters, winter operation, the process of siltation in areas beyond the levees, a decrease in the area of infiltration, an impact of reducing the capacity of the waterworks at Dobrohost, the flood control of Bratislava, the narrowing down of the floodplain to a width of 500 m, etc.

In terms of generation capacity, it is necessary to review whether a discharge of 4,000 m³/sec can be carried through the turbines at level 129 and also the impact and output related to it, the elimination of wave operation, etc.

The Committee considers Variant "D" as inadequate for implementation.

- E) The use of the power canal of the Gabčíkovo Barrage for navigational purposes and flood control

In the case of this alternative, there is a disagreement in principle between the facts presented in the text and its title. The Committee considers this alternative as technically impossible.

- F) Stopping all work on the Gabčíkovo-Nagymaros Barrage System and preserving the whole facility roughly in its present state

The Committee considers this alternative as technically impossible and the losses arising from its implementation are very high.

- G) A gradual dismantling of the Gabčíkovo Barrage and restoring the environment to its original state

This alternative is absolutely impossible technically and the losses arising from the implementation of these objectives are enforceable.

In addition to the remarks made about the individual variants (A-G) mentioned above, the Committee points out the following problems as well:

- The financial impacts of energetics are not shown. Energetics finances its own share from its own resources and loans. Who will compensate energetics for not meeting the planned parameters due to failing to construct the hydroelectric power station at Nagymaros and due to an increase in non-energetic purchases?
- The impacts of not constructing the hydroelectric power station at Nagymaros on the possibilities of implementing the downstream barrages on the River Vah (Hron) are not shown.
- The consequences of not constructing VLR are not shown with respect to the problems of the supplementary sources of energy, especially on the regulatory work in the electric power system and on landscape ecology.
- It would be necessary to amend the paper with the economic impacts of the individual alternatives, in terms of financing the construction, in terms of new demand for the investment and non-investment resources, and with a review of the amount of losses due to failing to implement the first alternative or due to implementing it later.
- It should be pointed out what is to be done with navigation. With respect to ensuring the necessary parameters for navigation, it is not possible to maintain equivalent conditions using classic methods.

Bratislava - Irencín, October 11, 1990

Prepared by Ing. Vladimír Seewald, DrSc

Ing. Frantisek Cizik

Water Management Committee - surface water and groundwater

Members:	Prof. Dr. Igor Mucha, DrSc	- PFUK, Bratislava
	Prof. Ing Václav Hálek, DrSc	- VVU VHS, Brno
	Ing. RNDr Vladimír Pelikán, DrSc - VUGI, Brno	
	RNDr Alexander Kanal, CSc	- PD, Bratislava
	Ing. Olu Misút, CSc	- VUVH, Bratislava
	RNDr Stanislav Klauco	- SHMÚ, Bratislava
	RNDr Zdena Dacová	- IGHP, Bratislava

In accordance with the discussion held on 14 September 1990 at the Ministry for Forest and Water Management of the Republic of Slovakia, the Committee worked out a procedure for the variational solutions of the utilisation of the Gabčíkovo Barrage and made the following statement:

A. The completion the Gabčíkovo-Nagymaros Barrage System based on the original plan

Variant "A" will threaten groundwater quality in the impact area of the reservoir. The water extraction sites at Kalinkovo and Samorin will be considerably closer to the reservoir. It is assumed that siltation will occur in the reservoir with the deposition of suspended sediments. Based on limnological data, in the case of the infiltration of water through bottom sediments, even water enriched with oxygen loses its oxygen content after a few millimetres and a reducing environment develops. The infiltrated water becomes rich with organic matter and, if this exceeds 1 mg/l, not even artificial aeration (oxygen enrichment) can be used to ensure an oxidising environment. In the meanwhile, it should be monitored that the infiltrated amount could be very high and the flow present in the gravel with high permeability could be very strong. Moreover, the colmatation of the reservoir could result in the lowering of the water table. This hazard could be eliminated by cleaning and deepening the bottom. As a result, however, organic heavy metal complexes present in the bottom sediment may get mobilised. Variant "A" will considerably lower the groundwater levels, whereby the introduction of oxygen through the layer will be decreased.

Certain developments and improvements could be achieved by constructing appropriate facilities, modifying water level fluctuation in the reservoir and also in the groundwater. However, this should be modelled.

The reservoir cannot be filled up experimentally, because once the reducing environment becomes established, re-establishing the oxidation process cannot be directly realised by emptying the reservoir.

Considering this alternative with respect to groundwater, further measures should also be taken in agricultural activities and in the regulation of the groundwater regime. The regulation of the groundwater regime should also be carried out for the optimisation of agricultural production, mainly by cutting back on irrigation in the upstream part of Zitny Ostrov.

B. The completion of the Gabčíkovo Barrage based on the original plan, without the Nagymaros Barrage, with impoundment on Slovak territory

Variant "B" assumes that the right hand side dyke of the reservoir will be located on the left hand side bank of the Danube (from the 1841st to the 1851st river km). In terms of

groundwater, this solution is similar to Variant "A", however, the area of the reservoir will be smaller and the operation will be performed on a continuous basis. By developing the right hand side dyke, the siltation taking place in the reservoir, and actually up to the mouth of the canal at the 1851st river km, can be optimised. Since continuous operation is assumed, a similar regulation could be carried out between the 1851st river km as well, or a fixed weir could be established with a temporary closure and the barrage could be constructed somewhere else (closer to Bratislava).

With such modifications, an adequate grain composition of the bottom, a decrease in the organic matter content in the bottom sediments, a greater fluctuation of the groundwater levels and a consequent reduction of siltation, and an increase in the groundwater levels in the upstream parts of Zitny Ostrov could be attained. At the same time, the so called "Stary les" area could be reclaimed on the right hand side bank of the Danube, possibly for the purposes of a waterworks. In addition, a positive impact could be exerted on the Ostrovne Lucky Waterworks.

Of course, finding the optimum solution may be attained through modelling the processes of sedimentation in the reservoir and the processes of groundwater quality.

- C. The completion of the Gabčíkovo Barrage based on the original plan, with operation on a continuous basis

This alternative is similar to Variant "A" in terms of groundwater dynamics. The existence of the reservoir will reduce the natural dynamics of the fluctuations of levels in the reservoir and the groundwater, which will impose greater hazard to groundwater quality. This alternative will have more benefits downstream with respect to higher levels of groundwater. This alternative may be excepted only as a solution with reduced life span.

- D. The completion of the Gabčíkovo Barrage without reservoir and the closure of the channel of the Danube between Bratislava and Dunakiliti

This alternative is advantageous because the suspended sediments in the reservoir may be optimised. Its further advantage is that the new dyke will be farther away from the water extraction sites at Kalinkovo and Samorin. Its disadvantage is that it will divide the area and relatively narrow polders will result on both sides. With this alternative, however, the location of the dikes may be further optimised and the canal may be relocated perhaps towards either of the already constructed dikes.

The Variants "E", "F" and "G" are inadmissible with respect to groundwater quality.

The summary and view of the Committee:

The goal of this review was to evaluate the individual alternatives in accordance with the decision made on 27 August 1990 by the Prime Minister's Office of the Republic of Slovakia.

The Working Group on Groundwater and Surface Water adopted the following:

- 1) The quality of the groundwater in the plains bordering the Danube depends on various factors, of which one is the construction of the barrage.
- 2) Groundwater quality is affected in positive and negative sense by:
 - the water quality of the Danube;

- the regulation of the Danube and its branches;
- the water retaining characteristics of the river and the characteristics of the bottom sediments of the branches;
- the regime of the fluctuations of the groundwater level;
- the depth of the water table;
- the geological, physical, chemical, biological and pedological characteristics of those sediments, which contain groundwater, through which it flows or infiltrates;
- agricultural activity;
- forest management;
- population and the quality of the water system and the sewerage;
- warehouses, depots, landfills and everything that is related to human activities;
- the bulldozing and the infilling of branches and depressions;
- the quality of air and precipitation;
- the velocity of water flow and its changes in the reservoir, in the river and in the branches.

3) The quality of surface water is affected by:

- the flow regime and the regime of the water level fluctuations in the Danube, its branches and the canals;
- flow, the area of the levels and hydrometeorological impacts;
- the quality of waters flowing into the area of the plains bordering the Danube;
- the amounts of organic matter and substances causing eutrophication present in the water;
- the development of the bottom and the banks of the reservoir, the river and the branches;
- various effluent discharges into receiving waters;
- direct pollution.

4) In terms of groundwater and surface water, the solution should be complex. This means that in addition to the measures related to the barrage, measures of hygiene, landscape ecology, agriculture, forestry, sociology, architecture, natural science and, of course, hydrogeology should also be taken.

The impacts related to the latter are already very adverse. Despite the fact that a water conservation area is involved, facilities have been constructed like the Slovnaft Oil Refinery, extensive agricultural activities are pursued, sewerage and sewage treatment are lacking, etc. After the construction of watertight walls, the problem of alkalisation has emerged downstream of Palkovičovo as well.

The Committee also considered, furthermore, that the Nagymaros Barrage would not be constructed. Having evaluated the positive and negative impacts of the individual alternatives, as well as having weighed the pros and cons of the impacts on groundwater, the Committee recommends the following solution:

1) The drainage canal should be extended without waterproofing along the left hand side levee so the whole canal falls on Slovak territory north of the original channel of the Danube.

2) The reclaimed part of the reservoir and the Danube branches may be rehabilitated to their original state or they may be used as areas for waterworks.

3) The barrage should be pushed upstream, for example to the 1857th river km. The most appropriate location for it should be determined.

4) The location and the width of the new channel should be optimised so that the unwanted suspended sediments will not be deposited in it. The level and the velocity of the water in the new channel should also be optimised.

5) On the Danube reach, south of the head-race canal and on the rehabilitated part of the reservoir, measures should be taken similar to those contemplated in Variant "A", and these should be further optimised in terms of ecology, the water quality of the branches and bottomland forests.

6) A zone should be designated for the extraction of groundwater, e.g., between the Danube and the Bratislava-Samorin state highway. In this zone, all measures should be taken to ensure groundwater quality (agriculture, depots, water system, sewerage, construction). The ecological measures should be implemented on the whole area.

7) An operational regime for the canals and the weir of the barrage should be recommended such that the level of groundwater will not be stagnant.

8) A solution should be recommended to ensure that the groundwater level in the upstream part of Zitny Ostrov is such that agricultural activities are optimised and the demand for irrigation is reduced at least partially, because irrigation is mainly responsible for transporting organic matter and nitrates, etc., to the groundwater.

9) A way for rehabilitation should be recommended for the reclaimed areas of the reservoir.

10) Ecological measures and work should be recommended for the areas of the Danube branches (bulldozing, improving the flow conditions of the branches, forestry activities etc.).

11) The various alternatives for protecting groundwater are to be reviewed, and may be changed with respect to Slovnaft, CHZJO, plants, and the city of Bratislava.

12) Agricultural production should be optimised in the whole area and complex measures should be taken to protect the area and the groundwater. This applies to all human activities as well as to surface water and groundwater. Sewage treatment plants, sewerage, the discharge of effluents with harmful substances, the proper construction of depots (on suitable sites) and many others should be added to these.

The Committee came to the conclusion that by adopting the measures identified above and this alternative, damages could be reduced in the following ways:

1) The sedimentation upstream of the head-race canal could be optimised so that the damaging sediments in the groundwater would not get deposited. The quality of infiltrated water would improve. The possibility of the demobilisation of microbiological pollution would be reduced along with the pollution by heavy metals and organic matters, etc. No dredging of the bottom will be needed due to lower levels of colmatation.

2) Colmatation would be eliminated and, as a result, groundwater levels would rise in the upstream part of Zitny Ostrov. The difference between the amount infiltrated after the filling

up of VLR and sustained operation would be decreased. The infiltration of groundwater would increase to the level that prevailed a few decades ago and all this would take place as needed.

- 3) The deterioration of the quality of surface waters would be reduced to a minimum.
- 4) Groundwater withdrawal could be optimised, and thus potential water extraction areas could be recommended for the utilisation of groundwater.
- 5) Groundwater levels would rise and with this, gradients would become smaller in the area of Slovnafť. This would have a beneficial effect.
- 6) In the upstream part of Zitny Ostrov, the rise of groundwater levels would be moderated, or they would make up for the losses of agricultural production, and this would even have a direct impact on the reduction of irrigation thus also on the pollution of groundwater. At the same time, the percolation of water with higher mineral content to the groundwater levels would be reduced, which would probably have a beneficial effect.
- 7) As a result of the lack of dredging downstream of the Gabčikovo Barrage, the alkalinisation of soils may be resolved with deep drainage. (Quantitative experiments have already been carried out.) In consideration of the rising water table, however, we recommend a review of the plan to deepen the channel.
- 8) The agricultural area occupied will be reduced.
- 9) The old channel of the Danube will get elongated and some of the river branch system will be renewed on its rehabilitated part, which may, in the case of appropriate development and based on the operational regime of the weir, have a beneficial effect on fish production. The same stands for the production of forests and wildlife.
- 10) Some of the natural environment may be restored and the self-purification potential of the landscape will be enhanced.
- 11) The area of the National Park will increase. With the proper use of the knowledge on landscape ecology, new recreational areas may be designed at the edge of the park, new water surfaces in the gravel quarries, etc. The park should be made accessible, but the facilities should be constructed outside the park.
- 12) With the measures taken south of the head-race canal, a rise in the groundwater level may occur. With water level regulation similar to that of Variant "A", the original natural regime of water level fluctuation may be optimised in the main channel of the Danube and in the river branch system.
- 13) Any other negative elements not related to the construction of the Gabčikovo Barrage will be reduced over all of the plains region bordering the Danube.

None of the benefits will be achieved without measures taken for their realisation. All of them involve the elements of optimisation, improvement and complex solution. With regard to a great number of issues, however, the engineering solutions are not yet completely clear. It is recommended that all problems should be resolved gradually and in co-operation with the interested experts and planners.

...

(Page 20 of the Hungarian text is missing.)

The Opinion in Summary of the Ecological Production Committee in Relation to the Variational Solutions of the Utilisation of the GNB

The subject of the work of the Committee was to evaluate the 7 variational solutions of the utilisation of the GNB with respect to their impacts on the conditions of ecological production in the affected area.

The Committee worked in three technical groups between 20 September 1990 and 7 November 1990:

- agriculture;
- forestry and forest and wildlife management;
- fishing and ichthyology.

The general planning representatives of HYDROCONSULT Bratislava also worked in the Committee. A list of the members of the Committee and the working groups is enclosed in the Annex.

In accordance with the demand of the Government Plenipotentiary commissioned for the construction and operation of the GNB, the Committee considered the impact of the variational alternatives of the implementation of the GNB on the conditions of ecological production, and established, not in full scope, the benefits and losses possible in the affected area.

A short description developed for the 7 alternatives by HYDROCONSULT was established as a basis for determining a solution in the given field. Unfortunately, the paper that was handed over did not include all the important data that were absolutely necessary for the proper and objective evaluation of the possible benefits and losses of the planned alternatives. Mainly forecasts on groundwater levels and the dimensions of the watertight underground wall preventing the adverse impacts of the Nagymaros Barrage were missing in the individual alternatives. Furthermore, important data are missing that would be necessary for determining the impacts on fish and angling, such as the changes of the temperature regime of the water, the flow velocity at certain parts of the river branch system and in the Danube, and the water levels in the river branch system and in the river at various discharges.

In addition to the papers submitted, therefore, the individual working groups used the forecasts on groundwater levels worked out so far and the forecasts on surface water regimes and their changes.

Based on the data mentioned above, the working groups prepared independent positions and evaluations. These papers make up the Annexes. Based on the enclosed papers, the Committee establishes that the implementation of the individual variational solutions may result in the following benefits and losses:

Variant "A"

with updated engineering solutions for the old channel of the Danube and the river branch system

Losses and investment interventions effected

Agriculture

- The need for constructing new irrigation locations	22,240 ha
- Preventive draining against secondary alkalinisation	31,224 ha
- New drainage canals	129.50 km
- The reconstruction of drainage canals	129.50 km,
- Drainage treatment plants	13
- The reconstruction of treatment plants	5

Forestry

- Timber production decreases by 3570 m³, i.e., 7.3 %.
- The species composition changes, soft-wooded deciduous species will be replaced by hard-wooded ones and plants older than 10 years will gradually dry out in groups in an area of 300 ha.
- The technology of forest management and the composition of machinery needs will change.
- The operational conditions will change, mainly hauling distances will become longer and the possibility of transportation on the Danube will be lost.

Wildlife management:

Large game

- The area of forests will be reduced. The carrying capacity of the environment demands a decrease in the numbers of deer and wild boar.
- Fencing the head-race canal and the downstream part of the reservoir on both sides is needed in order to avoid the drowning of the animals during their migration.

Waterfowl

- The deterioration of the living conditions of waterfowl requires:
 - increasing the planned numbers of islands making resting and nesting possible in the reservoir and in the old channel of the Danube;
 - planting willows and providing for the nesting of ducks;
 - making the banks green.

Field wildlife

- Access to the bottomland forests that serve as seasonal refuges will disappear.
- The remaining swamps and muddy areas that serve as lairs in the growing season will disappear.
- The setting up and the operation of irrigation systems over large areas will be extremely disruptive for wildlife.

Ichthyofauna and angling

- The construction of fixed stone culverts in the old channel is not suitable, because this will completely change the ecological conditions.
- Instead of fixed stone culverts, tipping weirs should be constructed that make possible the

biological continuity of the river and the regulation of the flow velocity and water level. In terms of the ichthyofauna and angling, Variant "A" is the most disadvantageous one.

Benefits

Agriculture:

- The conditions for the extraction of irrigation water from the gravel quarries located in the area of the Hrušov-Dunakiliti Reservoir will improve.
- Thirty m³/sec clean water will be obtained for irrigation from the drainage canal.
- The water regime of the soil moistened seasonally will improve on 2,400 ha.
- Drainage will not take place on 400 ha.
- The Hrušov Reservoir will provide a permanent water source for the irrigation system to be built in the area of Rusovce-Čunovo on 2,000 ha.
- The level of impoundment in the Nagymaros Barrage will provide irrigation water for the area of Vojnice-Gbelce in the magnitude of 25,000 ha.

Forest management:

- The moisture conditions will improve considerably in the surroundings of the reservoir, where the depth of groundwater fell before as a result of uncoordinated water supply engineering interventions and where about 500 ha forest dried out. Improvement is assumed in the magnitude of 1,700 ha.

Variant "B"

Losses and investment interventions effected

Agriculture

- | | |
|--|-----------|
| - The need for constructing new irrigation locations | 11,870 ha |
| - Preventive draining against secondary alkalisation | 4,632 ha |
| - New drainage canals | 13.70 km |
| - The reconstruction of drainage canals | 40.30 km |
| - Drainage treatment plants | 1 |
| - The reconstruction of treatment plants | 1 |

Forestry, hunting and angling

- The same as in Variant "A"

Benefits

Agriculture:

- The conditions for the extraction of irrigation water from the gravel quarries located in the area - of the Hrušov-Dunakiliti Reservoir will improve.
- Thirty m³/sec clean water will be obtained for irrigation from the drainage canal.
- The water regime of the soil moistened seasonally will improve on 2,000 ha.

- Drainage will not take place on 400 ha.
- The Hrušov Reservoir will provide a permanent water source for the irrigation system to be built in the area of Rusovce-Čunovo on 2,000 ha.

Forest management:

- The same as in Variant "A"

...

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Forestry, hunting:

- The same as in Variant "A"

Ichthyofauna and angling:

- The conditions are more favourable here.

Benefits

Forest management:

- An area more than 500 ha will be gained from the Hrušov Reservoir for the forestry land base.

Variant "C"

Losses and investment interventions effected

Agriculture

- The same as in Variant "B"

Forestry, forest and wildlife management

- The same as in Variant "A"

Ichthyofauna and angling:

- Of the presented changes, this one has the most optimal conditions, however, only if the stone culverts are replaced by tipping weirs.

Benefits

Agriculture:

- The same as in Variant "B"

Forestry and forest management:

- The same as in Variant "A"

[A page is missing]

Variant "F"

Losses and investment interventions effected

Agriculture

- The need for constructing new irrigation locations	4,980 ha
- Preventive draining against secondary alkalisation	4,632 ha
- New drainage canals	13.70 km
- The reconstruction of drainage canals	40.30 km
- Drainage treatment plants	1
- The reconstruction of treatment plants	1
- Permanently used agricultural land remaining unutilised	3,800 ha

Forestry and wildlife management

- Permanently used forest area remaining unutilised	3,800 ha
---	----------

Benefits

- No actual benefits in the areas of agriculture and forest management.
- Variant "G"

Losses and investment interventions effected

Agriculture:

- The need for constructing new irrigation locations	3,270 ha
- Preventive draining against secondary alkalisation	4,632 ha
- New drainage canals	13.70 km
- The reconstruction of drainage canals	40.30 km
- Drainage treatment plants	1
- The reconstruction of treatment plants	1
- The rehabilitation of permanently used agricultural land with a soil layer of 0.5 m from a distance of 35 km and making it biologically fertile	3,800 ha

Forestry and wildlife management:

- Gradual afforestation on the reservoir area downstream of Bratislava	2,700 ha
--	----------

Benefits

Agriculture:

- Land with medium solvency that may be gradually reclaimed	3,800 ha
---	----------

Forest management:

- Forest area that may be gradually reclaimed 2,700 ha

Bratislava, 7 November 1990

Ing E. Fulajtár, CSc

Ing. J. Cifra, CSc

RNDr R. Holcík CSc

Ing. Dr. P. Danisovic

Ing. S. Matyas

Annex 2

The position of the representatives of HYCO on the 7 alternatives of the possible utilisation of GNB

We present you the position of the representatives of HYCO on the 7 alternatives of the possible utilisation of the Czechoslovakian part of GNB.

1) We consider Variant "A" the most sensible solution for both Contracting Parties, i.e., for both Czechoslovakia and Hungary. The further alternatives should always be compared to Variant "A" at the same level of calculations.

The development of the left hand side river branch system and the reach of the old channel of the Danube along the power canal improves substantially the conditions for ecological production.

The bottomland forests between the levees will be irrigated based on their growth needs and not by the extremes of the natural elements, and they will be accessible throughout the year. Formerly, low or high water levels prevailing for long periods resulted in enormous damage to forest management, e.g., in 1947 and 1965.

Better conditions will exist for fish management in the developed river branch system as well as in the old channel of the Danube, because the system will be constantly refreshed by new water. The majority of the branches have not had free flow through so far and they have been filled up only at high water levels, while drying up or becoming swampy at low water levels.

However, benefits and losses should be considered objectively.

Losses:

Investment and operation costs for the development of the branches and the old channel will increase with decreasing power generation (about 417 GWh annually).

Benefits:

Timber production in the bottomland forests will increase and so will fish production. The 30 m³/sec clean, filtered water should be considered a great benefit of Variant "A" for ecology, which will become available in the left hand side drainage canal of the Hrušov Reservoir. The clean, filtered water may be used for special irrigation, which the water from Kis (Small) Danube is not suitable for.

2) Variant "B" is considered considerably worse than Variant "A". Flood control will become worse (at floods of Q 1 %) by 1.25 m at Palkovičovo and moisture control will also become worse.

The navigational conditions will not improve on the reach between Palkovičovo and Nagymaros. The possibility of generating high-value peak energy and the high-value energetic outputs will be lost (allowing quick changes in loading, the regulation of the frequency of the

power supplied, etc.). Power generation will drop, because the channel of the Danube will not be dredged downstream of Palkovičovo.

The benefits and losses of the Variant "B" in comparison to those of Variant "A" should be calculated in detail in Czechoslovakian Crowns.

...

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In the calculations concerning forest management, the adverse impacts of dense bottomland forests in the area between the levees on the capacity to withstand floods should be considered (the 250-metre wide zone stretching along the left hand side bank of the Danube should be cleared), including the losses sustained by forest management at the extremely high or low water levels in the Danube. In the area of the Biskupice branch, soft-wooded deciduous trees cannot be planted on approximately 500 ha, although the trees died there in the late 1970's due to the constant fall of the water table. In the present state, planting the planned forest park downstream of Bratislava and Petržajka is made impossible.

In the calculation concerning agriculture, the losses arising from the constant fluctuation of the water table (dry and wet years) and the 30 m³/sec of clean, filtered water extracted from the left hand side drainage canal of the Hrušov Reservoir should be considered.

7) Variant "G"

It requires the detailed calculation of costs based on the offer of the building contractors, as well as a detailed calculation in Czechoslovakian crowns with respect to the expected benefits to ecological production. The obligation of forest management of clearing the 250-metre wide zone along the left hand side bank of the Danube should be also considered. Through estimation it can be stated even today that this alternative is not sensible at all.

Conclusion

In our view, the order of preference for the considered alternatives is:

- 1) Variant "A"
- 2) Variant "B"
- 3) Variant "C"

Remarks

on the evaluation of the impacts of the 7 alternatives of the Gabčíkovo-Nagymaros Barrage System on agriculture, worked out in October 1990 by AGROCONS

1) Proposal for desalinisation measures

The alkali soils developed over the past few millennia as a result of high water levels in the Danube in the areas around the mouth of the streams Váh, Hron and Ipel. Their present area is about 30,000 ha. In order to avoid the gradual expansion of this area, levees were constructed along the Danube and the Váh at the end of the last century. Excess and drainage water was drained by using pumping stations and drainage canal systems, whereby the groundwater level was lowered and the further expansion of the alkali soils was prevented.

According to the plan, the increased seepage due to the Nagymaros Barrage should have been eliminated with underground walls, water collecting canals along the levees and by increasing the capacities of all excess and seepage water pumping stations.

According to the Joint Contractual Plan, only such measures should have been taken that avoided a rise of the groundwater levels due to the impoundment at Nagymaros when compared with the present situation. These measures have already been taken to some extent, thus the area of alkali soils may not increase because of the impoundment at Nagymaros.

The rehabilitation of the existing alkali soil on 30,000 ha will be very expensive, and this is not related to VLR. It requires not only the further lowering of the water table, but also the deep rehabilitation of the soil. (The upper cemented horizon should be eliminated mechanically to a depth of about 30 cm and the salt should be leached from the soil.) Appropriate survey and research should be carried out, a plan should be drawn up and a cost-benefit analysis should be prepared for the rehabilitation of the alkali soils. If the expected benefits are not sufficient for the amortisation of the high costs, further possibilities should be searched for.

2) A proposal for supplementary irrigation (Variant "A")

The area of Baka - Gabčíkovo - Pastuchy - Calovo - Medvedov was very often shown wet on the general plan (scale 1:200,000), therefore, a dense network of drainage canals have been established in this area.

The high water table was detrimental not only for agriculture, but also caused very poor living conditions for the local population (damp homes, polluted wells).

The water table may be kept at an optimum depth in this area by running water into the existing network of drainage canals. The water level in the canals will determine the groundwater level. Raising or lowering the water level in the canals may be carried out by decreasing or increasing the flow or by a sluice. From the geological profile of Zitny Ostrov it is obvious that its ground surface has various altitudes above sea level, therefore, the optimum depth of groundwater depends on topography and varies with soil, vegetation, growing season and meteorological changes (wet and dry years).

Nature cannot ensure the optimum depth of groundwater, so man should himself establish it. Supplementary irrigation is carried out when it is required by the vegetation; surplus water is drained from the soil; and irrigation water is aerated or heated as required. The natural elements do not take into account human needs!

The Gabčíkovo-Nagymaros Barrage System provides an efficient mechanism for the regulation of groundwater levels. This may not be kept in secret and this positive impact of VLR should be evaluated also in Czechoslovakian Crowns.

9 November 1990 Ing. Dr. Peter Danisovic

Institute of Fisheries and Hydrobiology

Bratislava

HYDROCONSULT

26 November 1990

Ing. Rosina
Radlinského 37
Bratislava

Re: The position on the fixed stone culverts of the old channel of the Danube, with the use of by-pass canals

The updated engineering solution for the old channel of the Danube on the Hrušov-Gabčíkovo reach takes into account the construction of 4 fixed weirs made of quarried stones with an average height of 4 m, which would make possible the stabilisation of the water level coming from the Hrušov Reservoir at the present level and at a discharge of 1340 m³/sec.

This solution is not adequate for ichthyology and fishing, because it changes radically the ecological conditions by dividing the river into 4 isolated reaches, from which the fish get washed out once or twice a week during short-term (6-hour) increased discharges (1,300 m³/sec) without an opportunity for returning.

The staff of HYDROCONSULT have presented a conceptual plan to cope with this problem including the location of by-pass canals with stone culverts in a length of about 100 to 200 m and in a width of 5 to 6 m, with the possibility for their widening up to 8 m and with roughened bottom and side walls. The flow velocity in the canal would be as high as 1.8 to 2.5 m³/sec.

A flow velocity of 1.8 m³/sec or more is not suitable for the majority of fish living in our country. From this respect, the by-pass canals may not be able to fulfil their function at this velocity, i.e., they would not enable fish to swim from the waters upstream of the stone culverts through the by-pass canals. Even if this factor (flow velocity) seems to be unambiguously limiting, yet no rejecting position is made a priori with respect to the solution of the problem. The consideration of a hydrological review of the application of rapids made of large boulders is recommended in the by-pass canals, such as the ones that are being used in trout streams or larger rivers (in Austria and Switzerland; in our country, in the northern-north-western Morava - Becva, Morava and in Eastern Slovakia: Lorysa). Their objective is to make the gradient of the stream gentler thus the discharge velocities as well. This problem has already been resolved by HYDROPROJEKT and the aspects of ichthyology and fishing have been taken into account by B. Kvelná, Brno (Ing. S. Lusk, CSc), the Institute of Systematics, Ecology and Biology of the Czechoslovakian Academy of Sciences. We think that these rapids with large boulders could be applied in the by-pass canals in order to make their gradient gentler and decrease the velocity of their water. In terms of the efficiency of the by-pass canals, flow velocity should be decreased to 0.3-0.8 m³/sec at those places where no rapids with large boulders are present. In the rapids with boulders, the flow velocities may not exceed 0.5-1.0 m³/sec.

For the construction of rapids with boulders, large boulders quarried with edges of 1.5 m have worked well. The space between the individual boulders should be filled with smaller quarried stones, up to about one half of their height. In order to reinforce the base of the rapids

and to decrease their permeability, the embedding of the large boulders into concrete is recommended.

The gradient of the rapids is 1:10 to 1:15. For the rapids with large boulders exceeding heights between 30 and 50 cm, it is recommended that the rapids be arranged in terraces. Downstream of the rapids facility, depressions of 1 m and more should be formed. The water depth of the rapids facility is to vary moderately. Beyond the large boulders, resting places for the fish swimming upstream are to be created. In the rapids facility, the water depth cannot drop to less than 10 cm, it should stay within the range of 10 and 20 cm. However, these values have been established for trout streams and in the case of the Danube, water depth may be greater. However, this should be discussed with the agencies mentioned above. The characterisation of the rapids with large boulders were borrowed from the pages 43 to 47 of a report titled "Water facilities and fish" written in 1974 by Poház and Lusk.

We believe that a series of rapids with large boulders could efficiently reduce the unfavourable velocities in the by-pass canals. However, the rapids with large boulders should alternate with "calm" pools (without rapids with large boulders in a ratio of 1:1). At these calm pools, the banks of the canal should be covered by quarried stones. Large stones should be placed on the bottom that provide shelter and resting place for the fish. Their embedding into concrete on the bottom does not seem to be appropriate. A precondition to the implementation of this proposal is to meet the requirements of flow velocity and the gradient of the rapids facilities.

Prior to designing the by-pass canals, it is recommended that the hydrological conditions of the by-pass canals should be worked out experimentally and compared by the Committee, the ones that allow the migration of fish through stone culverts, using tipping weirs on the upper reaches (primarily from the aspects of flow, water depth and permanent fish migration). Statements may only be made on this basis regarding which of the above alternatives meets the preconditions for resolving this problem effectively.

It is recommended that when designing the by-pass canal, a facility should be put in place to regulate discharge for various states of the old channel of the Danube.

For attaining the functional objective of the by-pass canal, its downstream mouth into the Danube is equally important with respect to the various flow velocities in the mouth part of the by-pass canal and in the channel of the Danube.

Yours sincerely:

Ing. Anton Kirka, CSc
Director

Institute of Fisheries and Hydrobiology

Clerk: Ing. I. Bastl, CSc

The position of the Ecological Production Committee on the 7 alternative solutions of the utilisation of the Czechoslovakian part of Gabčíkovo-Nagymaros Barrage System, taking into account ichthyofauna and angling.

The technical input data presented with the 7 alternatives are not compatible considering the fact that they are in different phases of processing and they do not provide data which would make possible a comparative determination of the impacts of the individual alternatives on fish and angling. For a detailed, responsible and objective evaluation, it is necessary to start from the factual data of the water levels of the present channel of the Danube. It is a known fact that 4 to 5 million m³ gravel has been dredged from the channel of the Danube over the past decade. Furthermore, the quantity of suspended sediments and substances from the upper Danube reach has decreased, thus the Danube has scoured its channel, its water level has changed and at certain discharges it does not correspond to the levels of 1957. Based on the incomplete results of hydrological monitoring, it can be established that the level of the Danube between Bratislava and Gabčíkovo is presently 80 to 140 cm lower compared to the working level of the Danube Committee in 1957. The bank of the Danube and the mouths of its branch systems have also been developed over this period. These interventions have resulted in a significant change in the filling and draining of the branches in recent years when compared to the period of 1968 to 1973: the river branch systems are filled up later but are drained earlier than 20 years ago. Consequently, the bottoms of the branch systems are exposed to an intensive input of sediments, whereby the branches are becoming increasingly shallow.

Unfortunately, the technical input data of the 7 alternatives do not provide data, from which one could infer the interaction of the hydrological regime of the Danube and the river branch systems.

Input data on changes in temperature, factual data on the flow velocity of certain reaches of the river branch systems and the Danube and on the water levels at various discharges in the branches and the river are also missing. Without these data, the impacts of the individual alternatives on the composition of the aquatic communities, including fish, cannot be objectively evaluated, thus neither can be their impact on biomass and production conditions. If these data are available at all (at the earliest, we may receive some of them from VÚVH Bratislava in the second half of 1991), then the 12 available working days are absolutely not enough for us to prepare an objective study.

Of the presented alternatives, Variants "E" and "D" seem to be the most optimal ones from the aspects of ichthyology and angling. In both cases, however, the construction of the stone culverts of the old channel is not adequate, because they will change completely the ecological conditions. Tipping sluices should be used instead of fixed weirs, which will make possible the biological continuity of the river, the regulation of the flow velocities and water levels and the prevention of settling of suspended sediments. None of these alternatives will resolve the problem of connecting the main channel and the river branch system. Supplying water from the old channel of the Danube to the river branch systems with weirs will allow unilateral fish migration from the river into the branches. However, both alternatives ("E" and "D") require a thorough review with modelling.

Until concluding this work, however, the adoption of Variant "F" is recommended, i.e., preserving the whole structure roughly in its present state.

RNDr. Juraj Holcák, CSc
Ing. Ivan Bastl, CSc

Annex 51

PARLIAMENTARY RESOLUTION 26/1991 (IV.23.), 16 APRIL 1991

Regarding the Government's Responsibility In Connection With the Gabčíkovo-Nagymaros Barrage System

1. Recognising the fact that putting into operation of the Barrage System or of any major installation thereof, would result in serious ecological and economic consequences throughout the affected areas, the Parliament requests the Government

- to conduct negotiations with the Government of the Czech and Slovak Federal Republic on the termination by mutual consent of the Treaty concluded on 16 September 1977 regarding the Completion and Operation of the Gabčíkovo-Nagymaros Barrage System and any and all such agreements which the State Parties to the treaty and/or their authorised bodies have concluded for the purpose of the execution of the aforementioned Treaty;

- to initiate concurrently the conclusion of a new inter-state treaty to settle the issue of the consequences of the non-construction (abandonment) of the Barrage System and all related major installations, taking into account the following values, in the order as follows:

(a) the restoration and preservation of the region's ecological and natural values and, most importantly, the protection of the drinking water reserves;

(b) flood protection;

(c) provide such technical measures as are necessary for navigation in accordance with the region's natural environment;

- to draft a plan for the rehabilitation of the Hungarian territories affected by the aforementioned Treaty, taking into consideration the applicable Parliamentary instructions.

2. Parliament finds necessary the further suspension of work aimed at the completion of the Barrage System and does hereby reaffirm any measures taken by the Government to this end.

The Parliament requests the Government to seek for an agreement as early as possible at the negotiations, in accordance with the earlier Hungarian proposals, on the suspension of construction work on the territory of the Czech and Slovak Federal Republic.

3. Parliament requests the Government, to discontinue state investment in the Gabčíkovo Nagymaros Barrage System and instructs the State Auditing Office to begin a full financial review of works already completed.

4. The Government shall report monthly to the Environment Protection Committee of the Parliament on the execution of the provisions contained herein.

This present decision shall take effect on the day of its acceptance.

György Szabad
Speaker of the Parliament

Dr. József Horváth
Clerk of the Parliament

Zoltán Trombitás
Clerk of the Parliament

Annex 52

PARLIAMENTARY RESOLUTION 12/1992 (IV.4.), 24 MARCH 1992

Regarding the Treaty Concluded in 1977
Between the Hungarian People's Republic
and the Czechoslovak Socialist Republic
Concerning the Construction and Operation
of the Gabčíkovo-Nagymaros Barrage System

Recognising the fact that continued construction and/or operation of the Gabčíkovo-Nagymaros Barrage System or any of the main installations thereof would result in serious ecological and economic damage;

taking into consideration the fact that the Government of the Czech and Slovak Federal Republic has passed a decision regarding the unilateral completion and commencement of the Gabčíkovo Barrage and that it entails the unilateral diversion of the Danube in contravention to the relevant international conventions and the amendment of the character of the state border, and that, by these actions, the Government of the Czech and Slovak Federal Republic have made questionable the validity of the Treaty concluded on 17 September 1977 regarding the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System;

taking notice of the fact that as a result of the above, the Government of the Hungarian Republic has been placed in the situation which compels the termination of the 1977 Interstate Treaty;

supporting the ambition that on behalf of the good neighbourly co-operation of the two countries, considering the trilateral professional and scientific inquiries organised with the inclusion of international experts in the meeting of governmental delegations on 2 December 1991 in-order to reach a joint agreement in the interstate dispute.

Parliament passes the following resolution:

1. Parliament takes notice of the fact that the Prime Minister, in his letter to the President of the Government of the Czech and Slovak Federal Republic, drafting the ecological, international legal, and other important reasoning for compelling the situation of termination, once again called for the immediate cessation of all work in contravention of the 1977 Interstate Treaty, and the commencement of trilateral professional inquiries, that by taking into consideration the recommendations offered as a result of the said inquiries, the two Governments might arrive at a responsible joint resolution of this interstate dispute, declaring that in the absence of fulfilling the above, the Government will terminate the 1977 Interstate Treaty.

2. Takes notice of the fact that the Government, presenting the Hungarian standpoint, contemporaneously requests the heads of the Governments of the Member States of the Conference on Security and Co-operation in Europe and of the international organisations (United Nations, European Community, Council of Europe, Danube Commission) to support the understanding and acceptance of the Hungarian position with the Government of the Czech and Slovak Federal Republic.

3. The Parliament authorises the Government to terminate the 1977 Treaty and all agreements concluded between the Parties and/or their bodies for executing the Treaty, if the Government of the Czech and Slovak Federal Republic does not cancel the work being done in contravention to the 1977 Treaty by 30 April 1992, whereas continuing these works prevents the commencement of joint inspections and makes questionable their significance.

4. Concerning the termination of the 1977 Interstate Treaty, the Hungarian Party is required to simultaneously communicate to the Government of the Czech and Slovak Federal Republic the Hungarian intention to co-operate in the elimination of the consequences of the termination and complying with all of the international treaties defining the borders between the two states, to conclude a new interstate treaty according to the following priorities, in the order presented:

a) the restoration and maintenance of the region's ecological and natural values, and primarily the preservation of the drinking water resource;

b) flood protection;

c) establishment of navigation integrated with the region's natural conditions.

5. The Government should report to Parliament on the execution of the responsibilities set forth herein within 30 days following the acceptance of the Parliamentary resolution.

6. This resolution takes effect from the day of the acceptance.

Annex 53

GOVERNMENT RESOLUTION 3190/1992, 7 MAY 1992

The Government of the Republic of Hungary

Prepared: in 55 copies

Receivers: The members of the Government and
the permanent Guests of the Government sessions.

The Government Resolution 3190/1992

regarding the termination of the Interstate Treaty

signed on 16 September 1977 in Budapest by the People's Republic of Hungary
and the Czechoslovak Socialist Republic with regard to the completion and
operation of the Gabčíkovo-Nagymaros Barrage.

1. The Government of the Republic of Hungary, on the basis of an authorisation in point 3 of the Parliamentary resolution 12/1992 (IV. 4.), unilaterally terminates effective 25 May 1992 the Interstate Treaty of 1977 and all the agreements which were brought about by the parties and their institutions for the execution of the Interstate Treaty.
2. In light of the discussions held during the session of the Visegrád Three in Prague, immediately or at the latest by 15 May, negotiations should be held with Prime Minister Ján Carnogursky, in conjunction with the participation of the EC Ambassadors to Prague and Budapest, on a six month suspension of the work on the provisional solution (Variant C) in order to commence trilateral negotiations, during which the parties, on the basis of recommendations, may render a decision in joint agreement with regard to the Interstate dispute.

Responsible: Ferenc Mádl, Minister Without Portfolio
Deadline: Immediately

3. If the negotiations initiated in point 2 do not lead to a result, the Government of the Czech and Slovak Federal Republic should be informed of the termination by 20 May through diplomatic channels. The *Note Verbale* must be completed in accordance with the information mentioned during the Government's session.

Responsible: Ferenc Mádl, Minister Without Portfolio
Foreign Minister
Deadline: Immediately

4. In the *Note Verbale* the Hungarian Government initiates that, with the bringing about of the Interstate Treaty of 1977 we jointly settle the consequences emanating from it in the following order of priority.
 1. The restoration and maintenance of the region's ecological and natural values most important of which is the preservation of the drinking water.
 2. Protection against floods

3. The adaptation of navigation to the region's natural condition
5. A bill should be prepared for the repelling of Law - Decree No. 17 of 1978.

Responsible: Ferenc Mádl, Minister Without Portfolio

Deadline: Immediately

6. Simultaneously with the revision of Government Resolution 2014/1992 a submission should be prepared for the Government with regard to the taking into consideration and division of the assignments between the concerned ministers subsequent to the termination of the contract.

Responsible: Ferenc Madl, Minister Without Portfolio
Minister of Transportation, Communication and Water Issues
Minister of Environmental Protection and Land Development
Foreign Minister

Deadline: 20 May 1992

Budapest, 7 May 1992

Prime Minister
Dr. József Antall

Annex 54

HANDWRITTEN NOTE OF F MÁDL, MINISTER WITHOUT PORTFOLIO, REGARDING THE PROPOSED
VIENNA MEETING, 16 MAY 1992

I therefore hope that the proposed meeting would enable the parties to abandon any actions and which would prejudice the launching and the completion of the work of the Expert Committee. Accordingly, it is expected that the meeting will result in the discontinuation of the unilateral works on the one hand and in the non-affectation of the abrogation of the treaty of 1977 on the other hand.

11 971

TRANSCRIPTION:

I therefore hope that the proposed meeting would enable the parties to abandon any actions which would prejudice the launching and the completion [sic] of the work of the Expert Committee. Accordingly, it is expected that the meeting will result in the discontinuation of the unilateral works on the one hand and in the non-affectation of the abrogation of the treaty of 1977 on the other hand.

Annex 55

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY TO THE
EMBASSY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC, 10 JUNE 1992

NOTE VERBALE

365-92/92.

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Czech and Slovak Federal Republic in Budapest, and referring to Note Verbale 1588/92 on 22 May 1992 regrets to establish that at variance with the Note Verbale and Position Paper of the Government of the Republic of Hungary handed over on 19 May 1992, in the opinion of the Czech and Slovak Federal Republic the Government of the Republic of Hungary has no legal justification for the termination of the Interstate Treaty of 1977 on the implementation and operation of the Gabčíkovo-Nagymaros Barrage System, and that the Government of the Czech and Slovak Federal Republic holds the Treaty of 1977 legally valid even after 25 May.

On behalf of the Government of the Republic of Hungary the Ministry of Foreign Affairs affirms the contents of the Declaration dated 19 May 1992 and the requests that all work be stopped in connection with the Gabčíkovo-Nagymaros Barrage System.

According to the information available to the Government of the Republic of Hungary in May 1992, the Czech and Slovak Federal Republic started water decanting activity at Csöhlöszttö, in the course of which they were pumping water from the river-bed of the Danube which is the boundary river shared by both parties.

The Government of the Republic of Hungary invites the Government of the Czech and Slovak Federal Republic to immediately stop this injurious and ecologically harmful work and to observe the rules of the Boundary Waters Agreement of 1976.

The Ministry of Foreign Affairs of the Republic of Hungary would like to emphasise the disposition of the Government of the Republic of Hungary for the joint arrangement of the consequences of the termination of the Interstate Treaty of 1977, and for the joint solution of the problems which require co-operation of the Government of the Czech and Slovak Republic in the area, so that negotiations can be commenced as soon as it is possible for the preparation for the new interstate treaty.

The Ministry of Foreign Affairs of the Republic of Hungary avails itself of the opportunity to renew to the Embassy of the Czech and Slovak Republic the assurances of its highest consideration.

Budapest, 10 June, 1992

Annex 56

LETTER FROM MR JAN STRASKY, CZECHOSLOVAK PRIME MINISTER, TO MR JÓZSEF ANTALL,
HUNGARIAN PRIME MINISTER, 23 SEPTEMBER 1992

**President of
the Government of the Czech and Slovak Federal Republic**

Prague, 23 September 1992

Dear Mr. Prime Minister!

I was grateful to receive your letter dated 18 August 1992, and would like to add the following comments:

The steps taken by the Government of Czech and Slovak Federal Republic during the construction of the Gabčíkovo-Nagymaros Barrage System were in complete harmony with the 1977 Treaty and all related treaty documents, which were all valid during this period and we were always ready to discuss, without any prior conditions, any questions on which the Hungarian Party had concerns. The Czechoslovak Party considered it to be a natural precondition that the Hungarian Government would at least substantiate those concerns identified in the main points and give concrete evidence of them. This, however, never occurred. In harmony with the Treaty of 1977, these questions must be resolved by Governmental Plenipotentiaries, but the proposals of the Czechoslovak Party's Plenipotentiary have not met with any answer from the Hungarian Party.

The position of the Government of the Czech and Slovak Federal Republic concerning the decision by the Government of the Republic of Hungary to unilaterally terminate the 1977 Treaty and all related treaty documents and its viewpoint on the justifications which led the Republic of Hungary to this decision are contained in my letter dated 6 August 1992. I would only like to emphasise that the Government of the Czech and Slovak Federal Republic had stood ready to form a trilateral expert commission. Its delegation was given a mandate broad enough to make it possible for a jointly acceptable resolution to be arrived at.

Likewise, you were informed of the so-called "C" variant's completion in the letter written by the President of the Government of the Czech and Slovak Federal Republic. I would only wish to remind you that the provisional technical solution does not obstruct the achievement of goals set forth in the Treaty of 1977, as the main objective of this is to minimise the damage which the Czech and Slovak Federal Republic is suffering as a result of the unlawful behaviour of the Hungarian Party since 13 May 1989. On the fulfilment of the so-called "C" variant, I consider it necessary to emphasise that the object of this was not, nor is it, the "diversion of the Danube," as you allege in your letter. It was only the utilisation of the waters of the Danube in the manner assumed in the 1977 Treaty. Therefore, this variant does not endanger the territorial integrity of the Republic of Hungary.

In the closing section of your letter, you propose that we bring the dispute between our nations on the Gabčíkovo-Nagymaros Barrage System before the International Court of Justice in the Hague.

I ask myself what would the good offices or mediation offered by the European Communities mean from the aspect of the unfinished negotiations?

Please allow me to remind you that the Czechoslovak Party proposed during negotiations held on 15 July 1991 between the Governmental delegations, when it became convinced that bilateral negotiations were not leading to positive results, that we involve the European Community Commission in the resolution of the dispute.

The Government of the Republic of Hungary, which had previously rejected this proposal, set certain preconditions for its acceptance as of December 1991. In May of this year, we were very close to the point where we could agree on the involvement of the EC Commission in the resolution of the dispute. It was for this exact reason that I was very disappointed that Hungary did not participate in the trilateral negotiations which were planned for 18 May 1992 in Vienna with the participation of the European Communities.

Despite the problem which we have yet to solve, the Czechoslovak Party is convinced that we are not far from jointly agreeing that a resolution of this dispute should involve the European Community Commission in the role of mediator. Not too long ago, I was reinforced in my belief in the position that "it would be worthwhile to include EC experts from third party countries in our common work," by your letter dated 6 August 1992. It is for exactly this reason that, based on your letter of 18 August 1992, it is not clear to me whether the Czech and Slovak Federal Republic should consider the fact that the Hungarian Party desires to bring this disputed question before the International Court of Justice in the Hague to be a conclusion of the negotiations on the assistance offered by the European Community Commission. If this were the case, it would be a step backwards for both Parties on the road to a resolution. This would negate the discussions held to date with the European Community Commission and would, in practice, mean the commencement of a new set of negotiations for the bringing of the matter before the International Court of Justice without our having any reason to assume that these negotiations would be any easier than those undertaken so far. The process by which we are attempting to find the proper procedure for solving the disputed question would once again be extended and the damages suffered by the Czech and Slovak Federal Republic and eventually, the Republic of Hungary would grow ever greater.

The Government of the Czech and Slovak Federal Republic has a great deal of respect for the International Court of Justice in the Hague and has great faith in its objectivity. Despite this, in today's world, when time is of the essence, our Government considers the participation of the European Community Commission to be the most essential factor. Apart from this, the trilateral committee (Czech and Slovak Federal Republic, Republic of Hungary, and European Community Commission) may judge other aspects, not only the legal, in particular ecological, navigational, and economic issues. In recent times, the Czech and Slovak Federal Republic has completed research programs which rested on the partial conclusions of the PHARE program which deals with the modelling of the Danube region's water reserves and in the work of which the experts of various member states of the European Community participate. The results of these may be used during the determination of the ecological aspect, the importance of which the Hungarian Party has always emphasised.

It can be seen from the letter sent by Mr F. Andriessen, Vice-President of the European Community Commission to the Foreign Minister of the Czech and Slovak Federal Republic, J. Moravcik, dated 30 July 1992, that the European Community Commission is still prepared to assist in the resolution of the dispute about the Gabčíkovo-Nagymaros Barrage System. He

assumes, at the same time, that our nations will come to an agreement as to the scope of the mandate which will be given to this trilateral committee, formed with the participation of the European Community Commission. For this reason, I propose that our nations' experts meet as soon as able in order to prepare a joint petition to the European Community Commission as speedily as possible.

Dear Mr. Prime Minister, please accept my sincere regards.

Jan STRASKY

Annex 57

COMMUNIQUÉ OF THE SLOVAK MINISTRY OF ENVIRONMENT TO THE 4 DECEMBER 1992 SESSION OF
THE SLOVAK GOVERNEMENT, 4 DECEMBER 1992

(abridged version)

Communiqué

To the discussion of the item "Information on the fulfilment of the 19 criteria set up in the Water Act § 14., the position of the construction according to Water Law and the operation of the hydroelectric plant on CSFR territory according to the 'Temporary Technical Solution' and the fulfilment of the conditions of legal operation."

At today's session the Slovak Government has acknowledged the Slovak Environmental Committee's communiqué, "Information on the fulfilment of the 19 criteria set up in the Water Act § 14., the position of the construction according to Water Law and the operation of the Gabčíkovo hydroelectric plant (hereon: WKW Gab.) on CSFR territory according to the 'Temporary Technical Solution' (Comment: Variant C) and the fulfilment of the conditions of legal operation."

The government has ascertained that the critical conditions prescribed by the SZKP (the former Slovak Environmental Committee, today the Ministry of Environment) in the Water Act § 14, aiming at the protection of subsoil waters and the preservation of the ecosystems impacted have not been met to this day. Even the necessary measures to minimise the negative effects of the Gabčíkovo hydroelectric plant on the natural environment in general, and on subsoil waters in particular have been omitted.

By commencing the operations of WKW Gab. according to the "Temporary Technical Solution" the contractor has gravely violated the provisions of the Water Act, 138/1973, by establishing and using certain structures and by utilising the water without having been granted the appropriate licences. The breach against the provisions referred to (comment: the 19 criteria) amounts to the - continuous - violation of the Natural Environment Act, 1/1995 as well. The government has instructed the Slovak Republic's Minister of Economics to take action immediately to remedy the situation.

The technical preparations of the construction of WKW Gab. have been accompanied by widespread disputes, pointing out in particular the unresolved problems relating to the possible negative effects on the quantity and quality of the Zitny Ostrov (Csallóköz - Wheat Island) area's subsoil waters. In June 1991 SZKP identified the 19 criteria to the implementation of the "WKW Gab. Temporary Technical Solution commencement of operations on CSFR territory".

These 19 criteria were accepted with consensus by the experts, the local mayors, the green parties, civil initiatives and the NGO's, as they prescribe the measures the contractor has to take to protect and maintain the quality of subsoil waters and the ecosystem. The elementary point of this set of criteria had been that fulfilment of the conditions set forth therein is mandatory for the installation of those structures, that do not prejudice the final construction. SKZP has assessed the complex water management standpoint from an environmental perspective, especially as regards the protection of subsoil waters. The concept of ecosystem includes the maintenance of the gene set

and self-regulatory natural processes of the flood forests and the flora and fauna of the region in general. Meanwhile it has also been established, that the Csallóköz region as a rich reservoir of potable water (17.8 m³/sec effectively) that provides the drinking water supply to Western Slovakia (including Bratislava). It has become clear that there is no alternative supply, should the present wells cease to function:

- Kalinkovo (present capacity: 780 l/sec) to Bratislava;
- Samorin (900 l/sec) to Western Slovakia (to Brenolakovo Modra and Bratislava);
- Gabčíkovo (1,000 m³/sec) Velky Meder, Kolarovo, Nove Zamky, Levice;
- Ostrovne Lucky (800-1,000 m³/sec) to Pertzalka district.

Furthermore, the fact had to be reckoned with that no study has been prepared hitherto on the complex impact of WKW Gab. on subsoil waters. The study prepared by the Bratislava Water Research Institute, VUVE, yields the conclusion that the hydrological changes of the Danube due to the plant, may bring about negative effects to subsoil waters. The latest examinations of subsoil waters support this conclusion. The change of the subsoil current due to the damming of the Danube leads to changes in the quality of subsoil waters.

On the basis of these facts SKZP has formulated 8 criteria to assess the present effects of WKW Gab and to provide a basis for preparing a forecast on the magnitude and nature of the changes in subsoil waters. Should negative effects arise, measures have to be identified and implemented to ensure timely and effective protection of the springs, and the commencement of the operation of WKW Gab. must not jeopardise the supply of potable water.

Fulfilment of these criteria should have been ensured before the dam was filled up. Since the publication of the 19 criteria however, the contractor has only demonstrated partial results, and the final objective, the preparation of a forecast of the effect of WKW Gab., on subsoil waters has not been completed yet.

The situation has been aggravated by the fact that preliminary results support the fears of experts that the subsoil water reservoirs of the Csallóköz region will be destroyed. The volume of the change that has occurred till now is not known, therefore even well prepared and effective measures cannot put an end to the deterioration of the quality of subsoil and drinking water. This situation will present an unresolvable problem in the drinking water supply of the region's population.

The objective of the criteria set up is to maintain the flood forests' ecosystem and the ecological Danube-regime. The present manipulation of the river prevents the regular flooding of the flood-plain areas. This aspect, for example, has only been examined in a single model study yet (comment: EU Phare Program, period studied: until around 1995).

Another fact of great significance is that the decrease of water in the branches has not been investigated before the blocking of the Danube and the filling of the dam. In the meantime, the connections between the river branches were blocked, which lead to a large scale destruction of fish. Had the criteria been met in time, this could have been avoided.

At present, the contractors temporary operations schedule does not ensure the 1,300-1,500 m³/sec water output necessary for the vegetation season. No technical solutions have been put in place to

ensure the optimal water regime in the branches - i.e. the criteria designed to avoid the negative effects on the area have not been met.

Because of the non-fulfilment of environmental conditions the connections of the branches with the Danube and with each other have been destroyed, resulting in a change in the hydrological life of the flood plain shrubbery. This leads to the liquidation of the ecosystem of the shrubbery in the internal delta and their gradual fill-up with weeds (i.e. growth of extra vegetation and colmatation). In turn, the result of this is a decrease in the biological variety through the extinction of certain species (especially water and marsh organisms) and the modification of the forests' ecostructure.

This is especially bad because with its specially adapted vegetation and special biotopes the Slovak Danube-marsh is a unique phenomenon. For example, 64 species of fish live between Bratislava and Palcikovo (and 17 of these are extremely rare), and 39 endangered higher forms of water and marsh vegetation (3 of these extremely endangered).

The non-fulfilment on the criteria has led to the violation of the Slovak Environmental Act, 1/1995 as well as certain other international conventions (e.g. Ramsar Convention).

The Water Law licensing process of certain structures (e.g. the dam, the size and form of navigational channels) has been ceased on 4/2/1994 as due to the omission of submitting documentation, the relevant conditions to continuing the licensing process have not been fulfilled, nor has the construction licence been issued.

However, the commencement of the operation of WKW Gab and the diversion of the Danube is dependent on the issuance of the licence prescribed by the Water Act § 8. No licence has been issued for the manipulation schedule of the water, as the issuance of such licence is dependent upon the assessment of the documentation certifying the compliance with the Water Act § 14., which has not been possible to date. Furthermore, the issuance of this licence has to be preceded by the acquisition of the construction licence for the completion of the remaining construction work as well as the licence for operating those structures.

The contractor has carried on work on such objects, which he has not acquired a licence to, and began the diversion of the Danube on 24/10/1992. By commencing the operation of WKW Gab and the filling of the dame (to 129 m over NN) in a phase where the decision making process faces unresolved problems, the contractor has equally violated State regulatory measures and the Water Act. The contractor's arbitrary actions have had a negative effect on the implementation of the measures prescribed by § 14.

As regards water law, it is impossible to say at present, lacking an adequate forecast on subsoil water quality changes, when the SZKP criteria could be met and the appropriate SZKP licence issued.

The severe nature of the contractor's illegal conduct is especially manifest in his conscious violations of the laws providing for construction activities, as has been acutely pointed out both in Slovakia and abroad. Such direct neglect of the laws from the contractor's part weakens the authority of government bodies, who possess no means of legal action to prevent the illegal activities of the contractor other than imposing fines (which has been done).

The monitoring activity that has been started in order to register negative effects cannot be compared to the missing forecast. It cannot provide an adequate basis for effective remedial measures. Therefore the danger of unchecked developments increased, along with a growing fear of severe consequences.

Fulfilment of the SZKP criteria is of significance to the present assessment of the situation by the trilateral committee and the Experts. The CSFR side can only produce convincing arguments regarding the protection and supply of the quantity and quality of subsoil waters and the preservation of the bordering ecosystems, if the 19 criteria set forth in § 14 are met.

A new information campaign has been launched (comment: newspaper articles between November 3 - 11 are mentioned, initiated by the SZOPK, the Greens and the WWF), pointing out the incomplete fulfilment of the 19 criteria and exerting direct public on the Slovak Ministry of the Environment. The present situation, when government bodies fail to give answers to queries from the domestic and international media is unacceptable.

The situation is further complicated by the unilateral declaration of the contractor depicting the contractors activities as *de facto* (comment: seemingly) legal and officially correct. The Slovak Ministry of the Environment has issued several warnings to the contractor about the severity of his actions, and demanded that their consequences be remedied. The relevant water management authority has taken over the construction's state supervision. The appropriate sanctions are still ongoing.

The present analysis demands effective measures on the contractor's part to meet the SZKP criteria and put an end to the illegal situation. At the same time providing adequate information to the public and the professionals about the status of the fulfilment of the 19 criteria is also extremely important.

Annex 58

LETTER FROM MR PABLO BENAVIDES, EC DIRECTOR FOR EXTERNAL ECONOMIC RELATIONS, TO
MR JÁNOS MARTONYI, HUNGARIAN STATE SECRETARY FOR FOREIGN AFFAIRS, 19 JULY 1993

COMMISSION OF THE EUROPEAN COMMUNITIES

Directorate-General
External Economic Relations

Unit I-E
The Director

Brussels, 034432 * 19.07.93

Dear Mr. State Secretary,

I would like to refer to the tripartite meeting on Gabčíkovo-Nagymaros held in Brussels on 13 July last, where it was agreed to undertake concrete steps in the near future towards the establishment of a temporary water management regime. In this connection the commission at the end of the meeting orally presented a proposal which could find broad agreement. It was agreed that the commission would further elaborate the proposal and submit it to the Hungarian and Slovak delegations in writing. The annexed document contains the details of the proposal as worked out by the commission services.

I would be grateful if you could let us have your comments and agreement at your earliest convenience so that the experts can start their work on 1 August.

I have sent a letter with the same content to Secretary of State Lisuch, of Slovakia.

(signed) P. BENAVIDES

Mr. János MARTONYI
Secretary of State
Ministry of Foreign Affairs
REPUBLIC OF HUNGARY

[Annex to the letter of Mr Pablo Benavides, 19 July 1993]

- 1) - Essential for a TWMR is the permanent availability of reliable data on the discharge at relevant measuring points which cannot be contested by the parties. Thus a Water Measuring System (WMS) should be set up in which the two sides jointly measure discharges at relevant points (annex A).
 - in addition Hungary and Slovakia should jointly assemble objective data on other relevant aspects such as the effects of new constructions, remedial measures, water level, volume and quality of underground water, quality of surface water, general ecological effects, electricity production, etc.
 - in order to get the above activities off the ground successfully in the short term it is suggested that the Commission provide temporary assistance in the setting up and the management of a Hungary-Slovakia Monitoring Committee which is to carry out the work (set up the WMS, assembling of above-mentioned data). The Committee should report its first findings two-and-a-half months after 1 August 1993. After that period the Monitoring Committee should be operated jointly by Hungary and Slovakia only.

The Monitoring Committee shall consist of one independent expert from Slovakia and one independent expert appointed by the Commission. The Commission expert shall chair the group. Each party can be assisted by independent experts of its own choice.

- 2) On the basis of the data assembled by the Monitoring Committee an independent Expert Group shall draw up recommendations on:
 - the necessary discharge into the old riverbed;
 - the possible remedial measures to be taken to safeguard the environment in the old riverbed and surrounding areas
 - a Temporary Water Management Regime (TWMR) (on the basis of a detailed operation manual with specifications for the day-to-day water management scheme);
 - a Temporary Water Management Committee to operate the TWMR.

The Expert Group shall consist of one independent expert from Hungary, one independent expert from Slovakia and one independent expert appointed by the Commission. The Commission expert shall chair the group. Each party can be assisted by independent experts of its choice. The Group shall draw up its recommendations two weeks after its establishment.

- 3) Once the WMS is running and agreement has been found on the points under 2) above, all these activities should be merged on a permanent basis into a Water Management and Monitoring Committee (WMMC). This should be operated by Hungary and Slovakia. The Commission will assist in the setting up of the WMMC but will not be a member of it.

The WMMC will have the following functions:

- to operate the TWMR;

- where necessary, to initiate and supervise additional studies, monitoring and modelling;
- adjust the TWMR when necessary on the basis of the operational experience and the results from the activities on monitoring, studies and modelling;
- prepare recommendations for urgent measures to be taken in emergency situations.

In addition the WMMC shall:

- prepare a detailed monitoring manual with specifications for joint monitoring of the impacts of the TWMR on the environment, navigation, hydropon, underwater reservoirs, etc.;
- initiate where necessary new activities on monitoring, modelling and studies related to the water management regime and its impacts.

Mode and place of operation

The Committee will meet regularly on a monthly basis, or in extraordinary session when requested by one of the members. Place of meetings will alternate between Slovakia and Hungary. The meetings will be chaired by the host country. Secretarial support will be provided by the host country.

RESOLUTION OF THE NATIONAL ASSEMBLY**ON THE NECESSARY MEASURES DUE TO THE UNILATERAL DIVERSION OF THE DANUBE**

Bearing in mind that consequently to the unilateral diversion of the Danube all possible measures should, for the duration of the dispute before the International Court of Justice at the Hague, be taken aiming at the preservation of the Szigetköz landscape, the survival of the agriculture and forestry of the region and the protection of water reserve, the National Assembly has resolved as follows:

1. The National Assembly hereby confirms that it wishes to settle the legal dispute which arose between Hungary and Slovakia because of the unilateral diversion of the Danube through the conclusion of the proceedings before the International Court of Justice in the Hague.
2. The National Assembly requests the Government to continue its efforts aiming at the conclusion of a treaty on the temporary water management regime as provided for in the Special Agreement. Technical interventions necessary for the duration of the proceedings before the Court shall be decided by the National Assembly, depending on the actual water sharing.
3. Pending the conclusion of the treaty on the temporary water management regime, the water supply to the branch system of the Szigetköz shall be ensured by an appropriate sharing of water supplied to the Mosoni Danube and by pumping from the Danube. Sharing of water supplied to the Mosoni Danube shall start immediately, while pumping from the Danube shall start as from April 15, 1994. For pumping, such technical solutions shall be selected which would entail the smallest harm to the environment.
4. The National Assembly invites the Government to report on the implementation of the measures as well as on their impact until December 31, 1994.
5. This resolution enters into force on the date of its promulgation.

Adopted on March 29, 1994

Annex 60

No: 190/94-NO

The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary and with reference to the Note Verbal of the Ministry of Foreign Affairs of the Republic of Hungary No. J-8/EK/13/1994 of March 28, 1994, has the honor to advise the following:

The Government of the Slovak Republic is of the view that the negotiations concerning the Temporary Water Management Regime (TWMR) should commence without further delay. To this effect Mr. Jozef Obložinský was appointed head of the Slovak delegation for these negotiations. Slovakia is ready to host the meeting which could be held in Bratislava, starting 15 April 1994.

In this connection the Ministry of Foreign Affairs wishes further to state that the Government of the Slovak Republic has learned with great concern about the recent decision of the Hungarian Parliament which prevented again the construction of two underwater weirs in the old Danube river bed - the most effective and less expensive measure necessary to allow the water flow into the right side branch system on the Hungarian territory.

This decision, which came after the announced acceptance, by the Hungarian Government, of the EC Experts proposal for the TWMR, which envisaged, as its essential part, the construction of two underwater weirs, not only entirely invalidated the notification of the Hungarian Government to the EC dated January 14, 1994, but represents, in fact, a categorical refusal, by Hungary, of the whole set of scenarios contained in the report of the Monitoring and Water Management Expert's Group where possible combination of different measures, including the underwater weirs, was recommended.

Embassy
of the Republic of Hungary

Bratislava

(2)

Thus the Hungarian Parliament again considerably restricted the mandate of the Hungarian Government for forthcoming negotiations on the TWMR.

In the light of the Parliament's decision which is an explicit rejection of the EC proposal it is surprising that in its Note Verbal the Ministry of Foreign Affairs of Hungary did not hesitate to accuse the Slovak Government of the de facto rejection of the said proposal.

In this connection the Ministry of Foreign Affairs of the Slovak Republic wishes to draw the attention of the Hungarian Government to the fact that in its response to the EC proposal the Slovak Government suggested to proceed, in solving the TWMR, in two stages. In the first stage, which should be implemented without further delay, Slovakia is ready to consider the whole scale of technical measures envisaged in the Monitoring and Water Management Expert's report aimed at providing water discharge to the right side branch system. Even if Slovakia has clear preference for some of these measures it has been and remains ready to consider also other reasonable measures able to ensure, singly or in combination, sufficient water flow into the branch system. The Expert's report as well as the proposal of the Slovak Government submitted on February 8, 1994 refer to several such possibilities.

As far as the question of the water discharge to be maintained in the old river bed is concerned, the Slovak Government has suggested to solve it in the second stage, after the right side branch system is filled up with water. Thus the need for an increased discharge could be tested against the real effects of the implementation of the first stage on hydrological conditions, in particular on the ground water table so often mentioned as one of *raison d'être* for an increase of the discharge.

This approach seems to be even more justified now, after the refusal by Hungary to give the consent to the construction of two underwater weirs, because the decrease in the water flow velocity expected as a result of the construction of underwater weirs (which was another main reason for the increase in the discharge as proposed by the EC experts) will not occur.

In this connection the Slovak Government stresses again the necessity of a continued monitoring of hydrological situation, not as a motif for delaying the agreement on the TWMR, but as an essential condition for the adoption of environmentally and economically sound and fully justified measures. The agreement on the TWMR envisaged by Article 4 of the Special Agreement is not endangered by the legitimate requirement of Slovakia to monitor the impact of future measures aimed at providing the water flow into the branch system, but rather by declarations of a character of ultimatum such as contained in the Note Verbal of the Ministry of Foreign Affairs of Hungary of March 28, 1994 according to which Hungary a priori and whatever the effects of adopted measures and continued monitoring are "cannot accept /.../ a temporary water management regime that does not involve a substantial guaranteed increase in water to the Danube". Similar declarations together with the recent decision of the Hungarian Parliament do not contribute to the creation of the constructive atmosphere so needed for forthcoming negotiations.

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. *Brno.*

Bratislava, April 2, 1994



**MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY**

Annex 61

STATE SECRETARY

J-8/EK-15/1994

Mr. Pablo Benavides
Director

Directorate-General,
External Political Relations
Commission of the European Communities

Brussels

Budapest, April 14, 1994

Dear Mr. Director,

Please find enclosed for your information copies of a recent exchange of Notes between Hungary and Slovakia relating to the establishment and implementation of the temporary water management regime. As the Hungarian Note Verbale clearly indicates, the Hungarian Government remains fully committed to implement the recommendations of the Experts of the European Commission if Slovakia will do likewise. May I hope that the European Union, its member States and the Commission continue, if necessary, within the framework of the Common Foreign and Security Policy, their efforts in order that Slovakia rapidly move toward full compliance with the commitment contained in Article 4 of the Special Agreement of April 7, 1994, on the establishment and implementation of the temporary water management regime by accepting, as Hungary has done, the EC-recommendations..

Sincerely yours


(János Martonyi)



J-8/EK-15/1994

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and with reference to the Embassy's Note Verbale No 190/94-NO of April 8, 1994, has the honour to communicate the following:

The Government of Hungary is, as proposed in its earlier Note of March 28, 1994, ready to engage in immediate negotiations which will lead to the rapid implementation of a satisfactory temporary water management regime along the lines of the recommendations of the experts of the European Commission of December 1, 1993. This presupposes that the Government of Slovakia accept these recommendations, as Hungary has done. The Ministry of Foreign Affairs of the Republic of Hungary did not receive yet any information of such an engagement on behalf of Slovakia neither from the EC, nor from Bratislava. The Ministry of Foreign Affairs would therefore be grateful if the Slovak side could, at its earliest convenience, inform both the European Commission and the Hungarian Government on the acceptance of the recommendations on the basis of which immediate negotiations could start.

In this connection the Ministry of Foreign Affairs wishes to point out that, far from being "a categorical refusal" of the recommendations of the Experts of the EC, the resolution of the Hungarian Parliament of March 29, 1994, is entirely consistent with those recommendations. A copy of the (as yet for technical reasons unpromulgated) resolution is attached to this Note Verbale for the information of the Slovak Republic. As is quite clear from its terms, the resolution deals only with the position pending the conclusion of an agreement on the temporary water management regime. The Parliament's consideration was that in this period: an underwater weir shall not be built at river kilometre 1843. This was precisely the view of the EC Experts themselves, as expressed in the letter written on their behalf by Professor Schreiner on February 8, 1994, to Mr. Pablo Benavides, director of the European Commission. The experts had recommended the construction of two weirs at different places, in connection with and subsidiary to a substantial increase in the discharge regime. Such an increase was, as the EC Experts have pointed out, "the main factor" in the recommendations.

***Embassy of the Slovak Republic
B u d a p e s t***

The Ministry of Foreign Affairs wishes to inform the Embassy of the Slovak Republic that the Government of the Republic of Hungary remains fully prepared to implement the recommendations of the Experts of the EC, as explained in its letter of January 14, 1994, and would like to express its earnest hope that the Government of the Slovak Republic will do likewise.

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

Budapest, April 14, 1994

Annex: 1



Annex 63

No: 231/94-NO

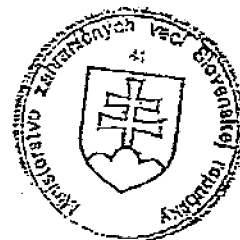
The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary in Bratislava and with reference to the Note Verbale of the Ministry of Foreign Affairs of the Republic of Hungary No. J-8/EK-15/94 of April 14, 1994 has to the honour to communicate the following.

The negotiations concerning the Temporary Water Management Regime should commence without further delay. The Hungarian side was already notified, by the Note of this Ministry No. 190/94-NO of April 8, 1994, of the appointment of the head of the Slovak delegation to the said negotiations. The Slovak side fully shares the objectives to be achieved by the Temporary Water Management Regime as set up in the Report of the EC experts of December 1, 1993 and is ready to discuss all measures necessary to this aim. Therefore, in the interest of early progress in talks no pre-condition should be made for opening of negotiations.

The Ministry would like to confirm that the Slovak Republic is ready to host the meeting.

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. 2-2.

Bratislava, April 17, 1994



KÜLÖMGYMINISZTERIUM	
Harcosok utca 10/a, Budapest	
Érkeztetve:	1994. apr. 28
Lej. szám:	J-8/EK/17/1994
Áll. sz.:	-



ДУНАЙСКАЯ КОМИССИЯ

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CD 85/IV-1994

Annex 64



COMMISSION DU DANUBE

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Budapest, le 28 avril 1994

AU
REPRESENTANT DE LA REPUBLIQUE DE HONGRIE
A LA COMMISSION DU DANUBE

MONSIEUR D^r GYORGY M I S U R

BUDAPEST

Monsieur le Président,

J'ai l'honneur de vous faire parvenir ci-joint copie de la lettre en date du 27 avril 1994 du Représentant de la République Slovaque à la Commission du Danube, M. J. Hauser, informant de la reprise de la navigation par le sas droit de l'écluse de Gabčíkovo.

Veuillez agréer, Monsieur le Représentant, l'expression de ma haute considération.

Le Directeur Général du Secrétariat

H. Strasser

LE REPRESENTANT DE LA
REPUBLIQUE SLOVAQUE A LA
COMMISSION DU DANUBE

Nº 39/DK/69 546/94
le 27 avril 1994

Directeur Général du Secrétariat
de la Commission du Danube
M. H. STRASSER

Monsieur le Directeur Général,

J'ai l'honneur de porter à votre connaissance qu'à partir du 27 avril 1994, 8 heures du matin, la navigation internationale par le sas droit de l'écluse de Gabčíkovo a repris.

Les autorités compétentes slovaques n'ont pas encore achevé l'enquête officielle sur les causes des accidents qui se sont produits dans les sas droit et gauche de l'écluse Gabčíkovo. Sitôt connus les résultats officiels de l'enquête, la partie slovaque en informera la Commission du Danube.

Je vous prie, Monsieur le Directeur Général, de bien vouloir faire diffuser cette lettre à tous les Représentants des pays membres de la Commission du Danube.

Veillez agréer, Monsieur le Directeur Général, l'expression de ma haute considération.

J. HAUSER
Représentant de la République Slovaque
à la Commission du Danube

Annex 65

*A MAGYAR KÖZTÁRSASÁG KÜLÜGYMINISZTERIUMA**MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY*

J-8/EK-17/1994

Note Verbal

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and with reference to the Note Verbal No 231/94-No of April 27, 1994, of the Ministry of Foreign Affairs of the Slovak Republic addressed to the Embassy of the Republic of Hungary in Bratislava, has the honour to communicate the following.

The Ministry of Foreign Affairs of the Republic of Hungary welcomes the readiness of the Slovak side to achieve the objectives set forth in the recommendations by the EC experts' report of December 1, 1993, concerning a substantial increase in water discharge to the natural Danube river-bed and side-branches, as well as other complementary technical measures.

Since Hungary has already expressed its willingness to conclude an agreement on that basis, this Ministry would be prepared to initiate and host a meeting of experts in international law of the two parties, accompanied by such other experts as may be necessary, in order to draft the text of the agreement on the temporary water-management regime. In the event of an agreement on the above, the Hungarian side is ready to submit to the Slovak side a draft agreement with the aim of accelerating the fulfilment of mutually accepted obligations as stated in Article 4 of the Special Agreement dated April 7, 1993.

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

Budapest, May 4, 1994

Embassy of the Slovak Republic
B u d a p e s t



Annex 66

NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE SLOVAK REPUBLIC TO THE
EMBASSY OF THE REPUBLIC OF HUNGARY, 8 MAY 1994

NOTE VERBALE

No. 255/94-NO

Considering that the Parties have not yet reached an agreement on the most important questions of the Temporary Water Management Regime, the Ministry of Foreign Affairs of the Slovak Republic considers premature the proposal of the Ministry of Foreign Affairs of the Republic of Hungary to hold a meeting of the experts of international law to outline a draft agreement on the Temporary Water Management Regime. The Slovak Party would remind you that it proposed negotiations of the competent experts in connection with the open questions of the Water Management Regime in Notes No. 190/94-NO, dated 8 April 1994, and No. 231.94-NO, dated 27 April 1994. At the same time, it proposed that these negotiations be held in Bratislava. Furthermore, the Slovak Party would remind you that the Ministry of Foreign Affairs of the Republic of Hungary has already suggested similar negotiations in its Note No. J-8/EK/1994.

The Slovak Party considers such negotiations necessary, taking into account the resolution of Parliament of the Republic of Hungary, dated 29 March 1994, according to which any technical solution needed for the implementation of the Temporary Water Management Regime is impossible without the decision of the Parliament.

The Ministry of Foreign Affairs of the Slovak Republic also recalls that the main aims of the temporary water management regime according to the suggestions of the EC experts, dated 1 December 1993, are in particular

- to provide water of an adequate quantity and flow rate in the branch system on the Hungarian side;
- and at the same time to restore the groundwater level, because on the Slovak side better conditions have arisen compared to the situation before the river closing;
- furthermore, to provide the best possible water quality in the reservoir and the old Danube bed;
- and to provide sufficient water flow rates in the river to secure the proper conditions for the migration of fauna between the river and the branch system.

As stated in Memorandum No. 231/94-NO, dated 27 April 1994, of the Ministry of Foreign Affairs of the Slovak Republic, the Slovak party is ready to investigate effective methods leading to these goals. Meanwhile, it is necessary to investigate the technical possibilities together with the economic effects of each proposition.

The Ministry of Foreign Affairs of the Slovak Republic would like, the Hungarian Party to give a definitive answer. Are they ready to hold such negotiations? The Slovak Party suggests

that these negotiations be held in Bratislava. Mr. Joseph Oblozinsky has been appointed as the head of the Slovak delegation. The proposed dates for the negotiations is 18-19 May 1994.

Embassy of the Republic of Hungary

Bratislava



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

Annex 67

J-8/EK-19/1994

Note Verbal

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and with reference to the Note Verbal No 255/94-NO of May 9, 1994 of the Ministry of Foreign Affairs of the Slovak Republic addressed to the Embassy of the Republic of Hungary in Bratislava, has the honour to communicate the following.

With reference to its previous Notes, the Ministry of Foreign Affairs of the Republic of Hungary, with respect to the second paragraph to the Ministry's Note referred to above, hereby confirms once more that the resolution adopted on March 29, 1994, by Hungarian Parliament, was expressly intended to deal with measures to be taken pending an agreement on the temporary water management regime. It was furthermore adopted in the light of the fact that Slovakia repeatedly refused to sanction the efforts for mediation on behalf of the European Commission by respecting and implementing its recommendations, recommendations already accepted by Hungary, although they fell well short of what would be required for a long-term solution to the dispute.

It is obvious from the recent exchange of notes that Slovakia's position - although it declares repeatedly that it is "ready to investigate effective methods leading to achieve the main aims of the said recommendations" (which includes a substantial increase in water discharge to the natural Danube riverbed) - remains silent or at least ambiguous on an element crucial to all variants discussed by the EC experts.

In proposing a meeting of experts in international law with the task to draft the text of the agreement of the temporary water management regime as provided for in Article 4 of the Special Agreement, the Ministry of Foreign Affairs of the Republic of Hungary has been encouraged by statements by the Slovak side as contained in its Note No 231/94-NO of April 27, 1994, and again in the Note referred to above of May 9, 1994, according to which "[the] Slovak side fully shares the objectives to be achieved by the Temporary Water Management Regime as set up in the Report of the EC experts of December 1, 1993 and is ready to discuss-all measures necessary to this aim."

Embassy of the Slovak Republic

Budapest

Another encouraging event was a statement made by Minister Hrasko during its April meeting with Minister Gyurkó, according to which "all necessary technical details were amply discussed in the past and are available in the recommendations [by the EC experts] for that negotiations be achieved successfully without any further technical discussions".

It is therefore surprising that the Slovak side qualified the Hungarian proposal aiming at starting the drafting of the agreement on the temporary water management regime as "premature". The Ministry does not understand how the establishment of a temporary water management regime, a matter to which the parties are committed can be described as "premature".

In such circumstances the Ministry of Foreign Affairs has studied very carefully the proposal made by the Slovak side in the Note of May 9, 1994, in order to identify any new element which might support the stated readiness of Slovakia "to discuss all measures necessary to achieve" the aims and objectives set out in the Report of the EC experts of December 1, 1993.

This Ministry would be grateful if the Slovak side could contribute to these considerations by providing the Hungarian side with more detailed technical data on the suggested regime including - as the main element of any temporary water management regime - the meaning, in quantitative terms as well as in terms of periodicity, of the expression used by that Note of "adequate quantity of water" to be provided under the proposed regime.

The Ministry of Foreign Affairs of the Republic of Hungary, expressing its readiness to start the negotiations, as proposed by both sides, in order to reach an early agreement on the temporary water management regime, and in the hope of receiving further information as requested above, avails itself of this opportunity to renew to the Embassy of the Republic of Slovakia the assurances of its highest consideration.

Budapest, May 16, 1994



Annex 68

Note: 301/94-NO

The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Republic of Hungary and with reference to the Note Verbale of the Ministry of Foreign Affairs of the Republic of Hungary No. J-8/EK/19/1994 has the honour to advise the following:

The Ministry continues to consider the decision of the Hungarian Parliament of March 29, 1994 as a rejection of the proposal to proceed with the construction of two underwater weirs in the old Danube river bed what would be the most effective and less expensive measure necessary to allow the water flow into the right side branch system on the Hungarian territory. This Ministry wishes to reiterate once again that Slovakia considers the construction of such underwater weirs as an important element of the Temporary Water Management Regime, regardless what discharge into the Danube's old river bed will be agreed upon.

With reference to the Hungary's proposal to hold a meeting of experts in international law with the task to draft the text of the Agreement on the Temporary Water Management Regime, contained in the above mentioned Note of the Ministry of Foreign Affairs of the Republic of Hungary, the Ministry of Foreign Affairs of the Slovak Republic remains convinced that before any meeting of law experts is held, it is necessary to resolve, on the level of technical experts, a number of questions still open, the discharge into the old river bed being just one of them. The need for such a meeting of technical experts was recognized by the Ministry of Foreign Affairs of the Republic of Hungary in its Note No. J-8/EK/1994 of March 28, 1994. The Ministry of Foreign Affairs of the Slovak Republic is not aware of any development after the date of the said Note which could render the talks of technical experts unnecessary. That is why it does not understand why the Ministry of Foreign Affairs of Hungary has changed its position and now insists on the meeting of law experts instead of the meeting of technical experts proposed by itself earlier.

Embassy
of the Republic of Hungary

B r a t i s l a v a

The Ministry of Foreign Affairs of the Slovak Republic confirms once again that Slovakia is ready to host the meeting of technical experts for the Temporary Water Management Regime during which all possibilities how to reach a substantial progress in this matter should be considered. The meeting should be held at earliest convenience.

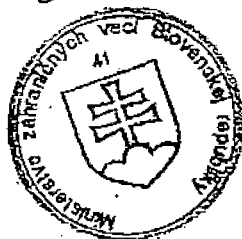
The Ministry of Foreign Affairs of the Slovak Republic uses this opportunity to inform the Ministry of Foreign Affairs of the Republic of Hungary, that starting mid June 1994 technical conditions will be created on the Slovak territory to allow the increase of the discharge of water from the reservoir to the Mosoni Danube. The discharge could be increased from 20 m³/s up to 40 m³/s. The increase of the discharge into the Mosoni Danube is one of possible technical measures envisaged in the EC Report of experts on Temporary Water Management Regime of 1 December 1993.

This Ministry would be grateful to the Ministry of Foreign Affairs of Hungary for transmitting this information to competent Hungarian authorities and confirming that Hungary agrees with such an increase of discharge. It would further welcome an information indicating by which date the technical measures can be taken on the Hungarian territory to accommodate the proposed increase of the discharge. If any consultation between technical experts concerning this issue is deemed necessary by Hungarian side, this Ministry is prepared to provide all necessary assistance.

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. *Zic*

Bratislava, May 25, 1994

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MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HUNGARY

Annex 69

J-8/EK/21/1994

Note Verbal

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Slovak Republic and with reference to the Note Verbal No 301/94-NO of May 25, 1994, of the Ministry of Foreign Affairs of the Slovak Republic addressed to the Embassy of the Republic of Hungary in Bratislava, has the honour to communicate the following.

The Ministry of Foreign Affairs of the Republic of Hungary, being of the opinion that all further interstate discussion is inappropriate as to the interpretation of the scope and legal contents of the resolution of the Hungarian Parliament of March 29, 1994, would only like to refer to its Note No J-8/EK-15/1994 of April 14, 1994, addressed to the Embassy, to which the English translation of the text of the said resolution has been attached.

This resolution states that *any provisional technical measures shall, pending the conclusion of the agreement on the temporary water management regime, be decided by Parliament and should be subject to the actual amount of the water to be discharged by the Slovak side.*

The resolution was in no sense intended to prevent the application of temporary technical measures whatever they may be, provided that it can be considered and decided in the context of the main factor of the regime, namely the amount of water discharge. In the absence of any information, as requested by the Ministry again in its Note No J-8/EK-19/1994 of May 16, 1994, about the meaning of the term "adequate quantity of water" to be provided by Slovakia under the proposed regime, no technical measures can be seriously considered.

Embassy of the Slovak Republic
B u d a p e s t

The Ministry of Foreign Affairs notes with great concern that the Slovak side has again remained silent on this crucial point of the temporary regime to be agreed and implemented according to Article 4 of the Special Agreement.

As to the meeting of experts in international law proposed initially by Hungary, the Ministry of Foreign Affairs would like to emphasize that Hungary was encouraged to do so by certain indications of the Slovak side duly referred to in its previous Note of May 16, 1994, which, according to its understanding, seem to give the impression that a move from extensively discussed technical matters to treaty drafting was possible. The Ministry of Foreign Affairs is disappointed to learn that this is not the case.

The essential point is that, as explained in earlier Notes, Slovakia should furnish information on the "still open questions", including the amount of the water discharge. Without a willingness on the part of Slovakia to increase the water discharge, implementation of the EC recommendation as a temporary water management regime is obviously impossible. The Ministry would be grateful if the Slovak side would provide it with such information.

The Ministry of Foreign Affairs furthermore notes with interest the information according to which the competent Slovak authorities are planning to increase the water discharge from 20 m³/s up to 40 m³/s into the Mosoni Danube. This Ministry will certainly inform the competent Hungarian authorities entitled to deal with these matters.

The Ministry is of the opinion that the amount and nature of such an increase of discharge would not require any decision or agreement whatsoever at governmental level. Such technical details could, as has been always the case in the past, be successfully negotiated and settled through usual contacts between the appropriate water management organs and authorities of the two sides.

In the hope of a reply in substance by the Slovak side at its earlier convenience, the Ministry of Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the Slovak Republic the assurances of its highest consideration.

Budapest, May 27, 1994



No: 331/94-NO

The Ministry of Foreign Affairs of the Slovak Republic presents its compliments to the Embassy of the Republic of Hungary and with reference to the Note Verbale of the Ministry of Foreign Affairs of the Republic of Hungary No. J-8/EK/21/1994 of May 27, 1994 addressed to the Embassy of the Slovak Republic in Budapest has the honour to advise the following:

The Ministry of Foreign Affairs of the Slovak Republic takes note of the opinion of the Ministry of Foreign Affairs of the Republic of Hungary according to which:

"all further interstate discussion is inappropriate as to the interpretation of the scope and legal contents of the resolution of the Hungarian Parliament of March 29, 1994".

Far from aiming to prolong such a discussion it would nevertheless like to draw the attention of the Embassy to the substantial difference between the wording of para 3 of the above mentioned Note Verbale and wording of para 3 of the Resolution of the National Assembly of March 29, 1994, forwarded to the Embassy of the Slovak Republic in Budapest by the Note of the Ministry of Foreign Affairs of the Republic of Hungary No. J- 8/EK-15/1994 of April 14, 1994.

According to the Note Verbale of the Ministry No. J-8/EK-21/1994 the above mentioned Resolution of the National Assembly states that:

"Any provisional technical measures shall, pending the conclusion of the agreement on the temporary water management regime, be decided by Parliament and should be subject to the actual amount of the water to be discharged by the Slovak side"

while according to para 3 of the Resolution itself:

Embassy
of the Republic of Hungary

Bratislava

"Pending the conclusion of the treaty on the temporary water management regime, the water supply to the branch system of the Szigetköz shall be ensured by an appropriate sharing of water supplied to the Mosoni Danube and by pumping from the Danube./.../"

When requesting the Government to continue its efforts aiming at the conclusion of a treaty on the temporary water management regime the National Assembly, in para 2 of the said Resolution nevertheless stated that:

"/.../Technical interventions necessary for the duration of the proceedings before the court shall be decided by the National Assembly, depending on the actual water sharing. "

Neither the Resolution nor the interpretative statement contained in the Note Verbale of the Ministry of Foreign Affairs of the Republic of Hungary allow the expectation that the construction of two underwater weirs in the Old Danube river bed could commence shortly. This Ministry wishes nevertheless to reiterate the readiness of Slovakia to come back to this question immediately when Hungary feels it appropriate.

Referring to para 3 of the Resolution of the National Assembly of the Republic of Hungary envisaging the use of the part of the water supplied to the Mosoni Danube for the water supply to the right side branch system and to this Ministry's previous Note No. 301/94 of May 25, 1994 forwarding the information about the possibility to increase, starting mid June 1994, the discharge of water from the reservoir to the Mosoni Danube from 20 m³/s up to 40m³/s, the Ministry takes note of an affirmative reaction of the Ministry of Foreign Affairs of the Republic of Hungary in this respect and appreciate the latter's assurance that the competent Hungarian authorities entitled to deal with these matters will be informed.

At the same time it would like to reiterate its desire to obtain information whether technical measures necessary to accommodate the proposed increase of the discharge exist on the Hungarian territory. Technical details, as suggested in the Note Verbale, could be settled directly between competent water management organs and authorities of the two sides.

Notwithstanding the opinion expressed in the Note Verbale of the Ministry of Foreign Affairs of the Republic of Hungary of May 27, 1994 that "the amount and nature of such an increase would not require any decision or agreement whatsoever at governmental

level" this Ministry would nevertheless prefer to avoid, for the future, any ambiguity in this matter.

The discharge to the Mosoni Danube that Slovakia is under relevant treaty provisions obliged to guarantee is 20 m³/s. Slovakia is ready, without prejudice to its relevant treaty obligations, to double this discharge as a part of temporary technical measures aimed at providing water supply to the right side branch system. This increase would correspond to maximum use of the capacity of both the intake structure and the canal connecting the intake structure with the Mosoni Danube on Hungarian territory.

The Ministry of Foreign Affairs of the Slovak Republic wishes to express its sincere hope that this measure will give an impetus to the negotiations on the Temporary Water Management Regime. It would like to emphasize that the implementation of this measure will be without prejudice to any agreement on other technical measures or the discharge to the old river bed which will fall under the Temporary Water Management Regime that, according to Special Agreement, Slovakia and Hungary shall establish and implement pending the final judgement of the Court.

As far as the question of discharge into the old river bed is concerned this Ministry does not share the view of the Ministry of Foreign Affairs of the Republic of Hungary that this is the only matter of substance in relation to the Temporary Water Management Regime to be dealt with. The question of technical measures and the discharge in the old river bed are closely interconnected. Similar results can be reached by different combinations of technical measures and the discharge.

The increase of the discharge in itself does not solve the problem of the right side river branches. Even in pre-dam situation there was only a very reduced supply of water to the branch system. This can be corrected only through technical measures to be undertaken. Some of them are necessary under any possible scenario. Thus there is no reason for further delaying of technical preparation of such measures.

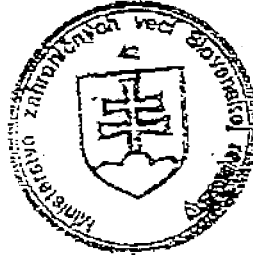
The discharge in the old river bed is not a goal in itself. It is one component of the Temporary Water Management Regime. Its principal purposes, to which this Ministry referred in its previous Notes, as spelled out in the Report of the EC experts of December 1, 1993, are namely to attain the necessary quantity and flow velocity in the branch system and to improve the groundwater regime (both on Hungarian territory, because on the Slovak side conditions better than those existing in pre-dam situation have already been created), to guarantee the best possible water quality in the reservoir and in the old river bed and to create

conditions for migration of wetland species between the main river and the side branches. They are defined, in qualitative and quantitative terms, in the report. These purposes can be attained by different combinations of technical measures and the discharge, with bigger or smaller losses on energy production.

The optimal combination of these measures and the discharge is a matter for negotiations of technical experts. The Ministry of Foreign Affairs of the Slovak Republic is of the view that these negotiations are needed and reiterates once more that the Slovak side is ready to host the meeting of technical experts for the Temporary Water Management Regime.

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. ~~2/2~~

Bratislava, June 8, 1994.



CONVENTION ON COOPERATION
FOR THE PROTECTION AND SUSTAINABLE USE
OF THE DANUBE RIVER
(Danube River Protection Convention)

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Preamble

The Contracting Parties,

Determined by the strong intention to intensify their water management cooperation in the field of water protection and water use;

Concerned over the occurrence and threats of adverse effects, in the short or long term, of changes in conditions of watercourses within the Danube River Basin on the environment, economies and well-being of the Danubian States;

Emphasizing the urgent need for strengthened domestic and international measures to prevent, control and reduce significant adverse transboundary impact from the release of hazardous substances and of nutrients into the aquatic environment within the Danube Basin with due attention also given to the Black Sea;

Commending the measures already taken on the domestic initiative of Danubian Countries and on the bilateral and multilateral level of their cooperation as well as the efforts already undertaken within the CSCZ-process, by the United Nations Economic Commission for Europe and by the European Community to promote the cooperation, on bilateral and multilateral levels, for the prevention and control of transboundary pollution, sustainable water management, rational use and conservation of water resources;

Referring in particular to the Convention on the protection and use of transboundary watercourses and international lakes of 17 March 1992 as well as the existing bi- and multilateral cooperation among Danubian States, which will be continued and duly taken into account by the cooperation of all Danubian States, as well as pointing to the Convention on the protection of the Black Sea against pollution of 21 April 1992;

Striving at a lasting improvement and protection of Danube River and of the waters within its catchment area in particular in the transboundary context and at sustainable water management taking duly into account the interests of the Danubian States in the field of water use and at the same time contributing to the protection of the marine environment of the Black Sea;

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

D E F I N I T I O N S

For the purposes of this Convention:

- (a) "Danubian States" mean sovereign States (sharing a considerable part of the hydrological catchment area of the Danube River) As considerable part there is assumed a share exceeding 2000 km² of the total hydrological catchment area.
- (b) "Catchment area" of the Danube River means the hydrological river basin as far as it is shared by the Contracting Parties.
- (c) "Transboundary impact" means any significant adverse effect on the riverine environment resulting from a change in the conditions of waters caused by human activity and stretching out beyond an area under the jurisdiction of a Contracting Party. Such changes may affect life and property, safety of facilities and the aquatic ecosystems concerned.

- (d) "Hazardous substances" means substances which have toxic, cancerogenic, mutagenic, teratogenic or bioaccumulative effects, in particular those being persistent and having significant adverse impact on living organisms.
- (e) "Substances hazardous to water" means substances the hazard potential of which to water resources is extraordinarily high so that their handling requires special preventive and protective measures;
- (f) "Point and non-point sources of water pollution" means the sources of pollutants and nutrients the input of which to waters is caused either by locally determined discharges (point source) or by diffuse effects being wide spread over the catchment areas (non-point sources);
- (g) "Water balance" means the relationship characterising the natural water household of an entire river basin as to its components (precipitation, evaporation, surface and underground run-off). In addition a component of current man-made effects originating from water use and influencing water quantity is included.
- (h) "Connecting data" means summarised data derived from upstream water balances as far as being relevant as an input necessary for the elaboration of downstream water balances and of a general water balance for the Danube River. To this extent connecting data cover the components of the water balance for all significant transboundary waters within the catchment area of the Danube River. Connecting data refer to cross sections of transboundary waters where they mark, cross or are located on boundaries between the Contracting Parties.
- (i) "International Commission" means the organisation established by Article 18 of this Convention.

Article 2OBJECTIVES AND PRINCIPLES
OF COOPERATION

(1) The Contracting Parties shall strive at achieving the goals of a sustainable and equitable water management, including the conservation, improvement and the rational use of surface waters and ground water in the catchment area as far as possible. Moreover the Contracting Parties shall make all efforts to control the hazards originating from accidents involving substances hazardous to water, floods and ice-hazards of the Danube River. Moreover they shall endeavour to contribute to reducing the pollution loads of the Black Sea from sources in the catchment area.

(2) The Contracting Parties pursuant to the provisions of this Convention shall cooperate on fundamental water management issues and take all appropriate legal, administrative and technical measures, to at least maintain and improve the current environmental and water quality conditions of the Danube River and of the waters in its catchment area and to prevent and reduce as far as possible adverse impacts and changes occurring or likely to be caused.

(3) To this end the Contracting Parties, taking into account the urgency of water pollution abatement measures and of rational, sustainable water use, shall set priorities as appropriate and shall strengthen, harmonise and coordinate measures taken and planned to be taken at the domestic and international level throughout the Danube Basin aiming at sustainable development and environmental protection of the Danube River. This objective in particular is directed to ensure the sustainable use of water resources for municipal, industrial and agricultural purposes as well as the conservation and restoration of ecosystems and to cover also other requirements occurring as to public health.

(4) The Polluter pays principle and the Precautionary principle constitute a basis for all measures aiming at the protection of the Danube River and of the waters within its catchment area.

(5) Water management cooperation shall be oriented on sustainable water management, that means on the criteria of a stable, environmentally sound development, which are at the same time directed to:

- maintain the overall quality of life;
- maintain continuing access to natural resources;
- avoid lasting environmental damage and protect ecosystems;
- exercise preventive approach.

(6) The application of this Convention by no means shall cause any significant direct or indirect increase of impacts to the riverine environment.

(7) Each Contracting Party has the right to adopt and implement measures being more stringent than those resulting from the provisions of this Convention.

Article 3

SCOPE

(1) This Convention applies to the catchment area of the Danube River as defined under Article 1, paragraph (b).

(2) Subject to this Convention in particular shall be the following planned activities and ongoing measures as far as they cause or are likely to cause transboundary impacts:

- (a) the discharge of waste waters, the input of nutrients and hazardous substances both from point and non-point sources as well as heat discharge;
- (b) planned activities and measures in the field of water construction works, in particular regulation as well as run-off and storage level control of water courses, flood control and ice-hazards abatement, as well as the effect of facilities situated in or aside the watercourse on its hydraulic regime;

- (c) other planned activities and measures for the purposes of water use, such as water power utilization, water transfer and withdrawal;
 - (d) the operation of the existing hydrotechnical constructions e.g. reservoirs, water power plants; measures to prevent environmental impact including: deterioration in the hydrological conditions, erosion, abrasion, inundation and sediment flow; measures to protect the ecosystems;
 - (e) the handling of substances hazardous to water and the precautionary prevention of accidents.
- (3) This Convention is applicable to issues of fishery and inland navigation as far as problems of water protection against pollution caused by these activities are concerned.

Article 4

FORMS OF COOPERATION

The forms of cooperation under this Convention as a rule are the following:

- (a) consultations and joint activities in the framework of the International Commission pursuant to the provisions of this Convention;
- (b) exchange of information on bi- and multilateral agreements, legal regulations and on measures in the field of water management; exchange of legal documents and directives and of other publications; other forms for the exchange of information and experiences.

Part II:MULTILATERAL COOPERATIONArticle 5PREVENTION, CONTROL AND REDUCTION
OF TRANSBOUNDARY IMPACT

(1) The Contracting Parties shall develop, adopt and implement relevant legal, administrative and technical measures as well as provide for the domestic preconditions and basis required in order to ensure efficient water quality protection and sustainable water use and thereby also to prevent, control and reduce transboundary impact.

(2) To this end the Contracting Parties shall separately or jointly take in particular the measures indicated below:

- (a) record conditions of natural water resources within the Danube River catchment area applying agreed quantity and quality parameters including the methodology concerned;
- (b) adopt legal provisions providing for requirements including time limits to be met by waste water discharges;
- (c) adopt legal provisions for the handling of substances hazardous to water;
- (d) adopt legal provisions for reducing inputs of nutrients or hazardous substances from non-point sources, especially for the application of nutrients as well as of plant protection agents and pesticides in agriculture;

- (e) with the aim of harmonising these regulations at a high level of protection as well as for the harmonised implementation of corresponding measures the Contracting Parties shall take into account results and proposals put forward by the International Commission;
- (f) the Contracting Parties shall cooperate and take appropriate measures to avoid the transboundary impacts of wastes and hazardous substances in particular originating from transport.

Article 6

SPECIFIC WATER RESOURCES PROTECTION MEASURES

The Contracting Parties shall take appropriate measures aiming at the prevention or reduction of transboundary impacts and at a sustainable and equitable use of water resources as well as at the conservation of ecological resources, especially:

- (a) enumerate groundwater resources subject to a long-term protection as well as protection zones valuable for existing or future drinking water supply purposes;
- (b) prevent the pollution of ground-water resources, especially those in a long-term perspective reserved for drinking water supply, in particular caused by nitrates, plant protection agents and pesticides as well as other hazardous substances;
- (c) minimise by preventive and control measures the risks of accidental pollution;
- (d) take into account possible influences on the water quality resulting from planned activities and ongoing measures pursuant to Article 3 paragraph 2;
- (e) evaluate the importance of different biotope elements for the riverine ecology and propose measures for improving the aquatic and littoral ecological conditions.

Article 7EMISSION LIMITATION;
WATER QUALITY OBJECTIVES AND CRITERIA

(1) The Contracting Parties taking into account the proposals from the International Commission shall set emission limits applicable to individual industrial sectors or industries in terms of pollution loads and concentrations and based in the best possible way on low- and non-waste technologies at source. Where hazardous substances are discharged, the emission limits shall be based on the best available techniques for the abatement at source and/or for waste water purification. For municipal waste water, emission limits shall be based on the application of at least biological or an equivalent level of treatment.

(2) Supplementary provisions for preventing or reducing the release of hazardous substances and nutrients shall be developed by the Contracting Parties for non-point sources, in particular where the main sources are originating from agriculture, taking into account the best environmental practice.

(3) For the purpose of paragraphs 1 and 2 Annex II to this Convention contains a list of industrial sectors and industries as well as an additional list of hazardous substances and groups of substances, the discharge of which from point and non-point sources shall be prevented or considerably reduced. The updating of Annex II lies with the International Commission.

(4) The Contracting Parties in addition shall, where appropriate, define water quality objectives and apply water quality criteria for the purpose of preventing, controlling and reducing transboundary impact. General guidance for this is given in Annex III, which shall be applied and specified by the Contracting Parties both, at the domestic level and jointly, where appropriate.

(5) Aiming at an efficient limitation of the emissions in areas under their jurisdiction the Contracting Parties shall ensure necessary preconditions and implementation.

They shall ensure that:

- (a) the domestic regulations for emission limitation and their level of standards imposed are harmonised step by step with the emission limitation pursuant to this Convention;
- (b) waste water discharges without exception are based on a permit imposed by the competent authorities in advance and for a limited period of validity;
- (c) regulations and permits for prevention and control measures in case of new or modernised industrial facilities, in particular where hazardous substances are involved, are oriented on the best available techniques and are implemented with high priority;
- (d) more stringent provisions than the standards - in individual cases even prohibition - are imposed, where the character of the receiving water and of its ecosystem so requires in connection with paragraph 4;
- (e) competent authorities surveille, that activities likely to cause trans-boundary impacts are carried out in compliance with the permits and provisions imposed;
- (f) environmental impact assessment in line with supranational and international regulations or other procedures for evaluation and assessment of environmental effects are applied;
- (g) when planning, licensing and implementing activities and measures as referred to in Article 3, paragraph 2 and in Article 16, paragraph 2 the competent authorities take into account risks of accidents involving substances hazardous to water by imposing preventive measures and by ordering rules of conduct for post accident response measures.

Article 8EMISSION INVENTORIES, ACTION PROGRAMMES
AND PROGRESS REVIEWS

(1) The Contracting Parties shall undertake periodically inventories of the relevant point and non-point sources of pollution within the catchment area of Danube River including the prevention and abatement measures already taken for the respective discharges as well as on the actual efficiency of these measures, taking duly into account Article 5, paragraph 2, subpara a.

(2) Based on that the Contracting Parties shall in stages establish a list of further prevention and abatement measures to be taken step by step as far as this is necessary for reaching the objectives of this Convention.

(3) The inventory of emissions and the list of measures to be taken form the basis for developing joint action programmes to be developed by the Contracting Parties taking into account priorities set in terms of urgency and efficiency. These action programmes in particular shall be aimed at the reduction of pollution loads and concentrations both from industrial and municipal point sources as well as from non-point sources. They shall inter alia contain the prevention and abatement measures including the timing and cost estimates.

(4) In addition the Contracting Parties shall monitor the progress made in the implementation of the joint action programmes by establishing periodical progress reviews. These reviews shall contain both, the protection measures implemented and the progress made as to the riverine conditions in the light of the actual assessment.

Article 9

MONITORING PROGRAMMES

On the basis of their domestic activities, the Contracting Parties shall cooperate in the field of monitoring and assessment.

(1) For this aim, they shall

- harmonise or make comparable their monitoring and assessment methods as applied on their domestic levels, in particular in the field of river quality, emission control, flood forecast and water balance, with a view to achieving comparable results to be introduced into the joint monitoring and assessment activities;
- develop concerted or joint monitoring systems applying stationary or mobile measurement devices, communication and data processing facilities;
- elaborate and implement joint programmes for monitoring the riverine conditions in the Danube catchment area concerning both water quality and quantity, sediments and riverine ecosystems, as a basis for the assessment of transboundary impacts such as transboundary pollution and changes of the riverine regimes as well as of water balances, floods and ice-hazards;
- develop joint or harmonised methods for monitoring and assessment of waste water discharges including processing, evaluation and documentation of data taking into account the branch-specific approach of emission limitation (Annex II, Part 1);
- elaborate inventories on relevant point sources including the pollutants discharged (emission inventories) and estimate the water pollution from non-point sources taking into account Annex II, Part 2; review these documents according to the actual state.

(2) In particular they shall agree upon monitoring points, river quality characteristics and pollution parameters regularly to be evaluated for the Danube River with a sufficient frequency taking into account the ecological and hydrological character of the watercourse concerned as well as typical emissions of pollutants discharged within the respective catchment area.

(3) The Contracting Parties shall establish, on the basis of a harmonised methodology, domestic water balances, as well as the general water balance of the Danube River Basin. As an input for this purpose the Contracting Parties to the extent necessary shall provide connecting data which are sufficiently comparable through the application of the harmonised methodology. On the same data base water balances can also be compiled for the main tributaries of Danube River.

(4) They shall periodically assess the quality conditions of Danube River and the progress made by their measures taken aiming at the prevention, control and reduction of transboundary impacts. The results will be presented to the public by appropriate publications.

Article 10

OBLIGATIONS OF REPORTING

The Contracting Parties shall report to the International Commission on basic issues required for the Commission to comply with its tasks. These reports shall in particular involve:

- (a) reports and documents being foreseen in this Convention or requested by the Commission;
- (b) information on the existence, conclusion, amendment or withdrawal of bilateral and multilateral agreements and treaties regulating the protection and water management of the Danube River and of waters within its catchment area or being relevant for questions concerned;
- (c) information on their respective laws, ordinances and other general regulations, regulating the protection and water management of the Danube River and of waters within its catchment area or being relevant for questions concerned;

- (d) communication, at the latest within an agreed delay after the International Commission has taken its decision, on the way, the timeframe and the financial expenses for implementing action-oriented decisions at the domestic level, such as recommendations, programmes and measures;
- (e) designation of competent institutions to be addressed for cooperation in the framework of this Convention by the International Commission or by other Contracting Parties;
- (f) communication on planned activities, which for reason of their character are likely to cause transboundary impacts.

Article 11

CONSULTATIONS

(1) Having had a prior exchange of information the Contracting Parties involved shall at the request of one or several Contracting Parties concerned enter into consultations on planned activities as referred to in Article 3, paragraph 2, which are likely to cause transboundary impacts, as far as this exchange of information and these consultations are not yet covered by bilateral or other international cooperation. The consultations are carried out as a rule in the framework of the International Commission, with the aim to achieve a solution.

(2) Prior to a decision on planned activities the competent authorities - with the exception of pending danger - shall wait for the results of the consultations except the case, that they are not finalised one year after their commencement at the latest.

Article 12

EXCHANGE OF INFORMATION

(1) As determined by the International Commission the Contracting Parties shall exchange reasonably available data, inter alia, on:

- (a) the general conditions of the riverine environment within the catchment area of the Danube River;
- (b) experience gained in the application and operation of best available techniques and results of research and development;
- (c) emission and monitoring data;
- (d) measures taken and planned to be taken to prevent, control and reduce transboundary impact;
- (e) regulations for waste water discharges;
- (f) accidents involving substances hazardous to water.

(2) In order to harmonise emission limits, the Contracting Parties shall undertake the exchange of information on their regulations.

(3) If a Contracting Party is requested by any other Contracting Party to provide data or information that is not available, the former shall endeavour to comply with the request but may condition its compliance upon the payment, by the requesting Party, of reasonable charges for collecting and, where appropriate, processing such data or information.

(4) For the purposes of the implementation of this Convention, the Contracting Parties shall facilitate the exchange of best available techniques, particularly through the promotion of: the commercial exchange of available techniques, direct industrial contacts and cooperation, including joint ventures; the exchange of information and experience; and the provision of technical assistance. The Contracting Parties shall also undertake joint training programmes and the organisation of relevant seminars and meetings.

(5) The provisions of this Convention shall not affect the rights or the obligations of Contracting Parties in accordance with their domestic laws, regulations, administrative provisions or accepted legal practices and applicable international regulations to protect information related to personal data, intellectual property including industrial and commercial secrecy, or national security.

(6) If a Party nevertheless decides to supply such protected information to another Party, the Party receiving such protected information shall respect the confidentiality of the information received and the conditions under which it is supplied, and shall only use that information for the purposes for which it was supplied.

Article 13

PROTECTION OF INFORMATION SUPPLIED

Insofar as pursuant to this Convention industrial and commercial secrets or other confidential pieces of information are transmitted in conformity with domestic laws, the receiving Contracting Parties shall observe the secrecy of this information by not using it for any other purposes than those stipulated in this Convention, publishing it, or making it available to third parties. In case any one Contracting Party feels unable to comply with this obligation regarding confidential information that has been transmitted to it, it shall inform the transmitting Contracting Party about it without any delay and re-transmit the transmitted information. Personal data shall be transmitted to Contracting Parties in conformity with the domestic law of the transmitting Contracting Party. The receiver shall use personal data only for the purpose indicated and under the conditions specified by the transmitting side.

Article 14

INFORMATION TO THE PUBLIC

1) The Contracting Parties shall ensure that their competent authorities are required to make available information concerning the state or the quality of riverine environment in the Danube Basin to any natural or legal person, with payment of reasonable charges, in response to any reasonable request, without that person having to prove an interest, as soon as possible.

(2) The information referred to in paragraph 1 of this Article, which is held by public authorities, may be given in written, visual, oral or data-based form.

(3) The provisions of this Article shall not affect the right of Contracting Parties, in accordance with their domestic legal systems and applicable international regulations, to provide for a request for such information to be refused where it affects:

(a) the confidentiality of the proceedings of public authorities, international relations and national defence;

(b) public security;

(c) matters which are or have been "sub judice" or under enquiry including disciplinary enquiries, or which are the subject of preliminary proceedings;

(d) commercial and industrial confidentiality as well as intellectual property;

(e) the confidentiality of personal data and/or files;

(f) material supplied by a third party without that party being under a legal obligation to do so;

(g) material, the disclosure of which would make it more likely that the environment to which such material related would be damaged.

(4) A public authority shall respond to a person requesting information as soon as possible. The reasons for a refusal to provide the information requested must be given in writing.

Article 15

RESEARCH AND DEVELOPMENT

(1) To further the aims of this Convention, the Contracting Parties shall establish complementary or joint programmes of scientific or technical research and, in accordance with a procedure to be regulated by the International Commission, transmit to the Commission:

- (a) the results of such complementary, joint or other relevant research, the access to which is open for public authorities;
- (b) relevant parts of other programmes of scientific and technical research.

(2) In so doing, the Contracting Parties shall have regard to the work carried out or supported, in these fields, by the appropriate international organisations and agencies.

Article 16COMMUNICATION, WARNING AND ALARM SYSTEMS,
EMERGENCY PLANS

(1) The Contracting Parties shall provide for coordinated or joint communication, warning and alarm systems in the basin-wide context to the extent this is necessary to supplement the systems established and operated at a bilateral level. They shall consult on ways and means of harmonising domestic communication, warning and alarm systems and emergency plans.

(2) The Contracting Parties shall in the framework of the International Commission inform each other about competent authorities or points of contact designated for this purpose in case of emergency events such as accidental pollution, other critical water conditions, floods and ice-hazards. Accordingly the competent authorities shall cooperate to establish joint emergency plans, where necessary, supplementary to existing plans on the bilateral level.

(3) If a competent authority identifies a sudden increase of hazardous substances in the Danube River or in waters within its catchment area or receives note of a disaster or of an accident likely to cause serious impact on the water quality of Danube River and to affect downstream Danubian States this authority shall immediately inform the contact points designated and the International Commission according to the way of procedure introduced by the Commission.

(4) In order to control and reduce the risks originating from floods including ice-hazards, the competent authorities shall immediately inform the downstream Danubian States likely to be affected and the International Commission on the occurrence and run-off of floods as well as on forecasts of ice-hazards.

Article 17

MUTUAL ASSISTANCE

(1) In the interest of enhanced cooperation and to facilitate compliance with obligations of this Convention, in particular where a critical situation of riverine conditions should arise, Contracting Parties shall provide mutual assistance upon the request of other Contracting Parties.

(2) The International Commission shall elaborate procedures for mutual assistance addressing, inter alia, the following issues:

- (a) The direction, control, coordination and supervision of assistance;
- (b) Local facilities and services to be rendered by the Contracting Party requesting assistance, including, where necessary, the facilitation of border-crossing formalities;
- (c) Arrangements for compensating the assisting Contracting Party and/or its personnel, as well as for transit through territories of third Contracting Parties, where necessary;
- (d) Methods of reimbursing assistance services.

INTERNATIONAL COMMISSIONArticle 18ESTABLISHMENT,
TASKS AND COMPETENCES

(1) With a view to implementing the objectives and provisions of this Convention the International Commission for the Protection of the Danube River, referred to in this Convention as International Commission, shall be established. The Contracting Parties shall cooperate in the framework of the International Commission. For implementing the obligations of the Contracting Parties pursuant to Articles 1 to 18 the International Commission elaborates proposals and recommendations addressed to the Contracting Parties.

(2) The structure and the procedures of the International Commission as well as its competences are stipulated in detail in Annex IV to this Convention constituting the Statute of the Commission.

(3) In addition to affairs explicitly entrusted to the International Commission is competent to deal with all other affairs the Commission is entrusted with by mandate from the Contracting Parties in the framework of Article 3 of this Convention. /

(4) The implementation of decisions taken by the International Commission is supported through the obligations of the Contracting Parties for reporting to the Commission pursuant to Article 10 as well as through the provisions of this Convention concerning the domestic basis and implementation of the multi-lateral cooperation.

(5) The International Commission reviews experience acquired implementing this Convention and as appropriate submits proposals to the Contracting Parties concerning amendments or additions to this Convention or prepares the basis for elaborating further regulations on the protection and water management of the Danube River and of waters within its catchment area.

(6) The International Commission decides on the cooperation with international and national Organizations or with other bodies, which are engaged or interested in the protection and water management of the Danube River and of waters within its catchment area or in general questions of water protection and water management. This cooperation is directed to enhancing coordination and to avoiding duplication.

Article 19

TRANSITION CONCERNING THE BUCHAREST-DECLARATION

Works as performed by the Contracting Parties in the framework of the Declaration on the cooperation of the Danubian Countries on problems of the Danubian water management, in particular for the protection of the Danube River against pollution, signed on 13 of December 1985 (Bucharest-Declaration), by the working groups on water quality, flood information and forecast and water balance are transferred to the framework of this Convention.

Part IV

PROCEDURAL AND FINAL CLAUSES

Article 20

VALIDITY OF THE ANNEXES

Subject to Article 23, the Annexes I to V form integral parts of this Convention.

Article 21

EXISTING AND SUPPLEMENTARY AGREEMENTS

The Contracting Parties on the basis of equality and reciprocity shall adapt existing bilateral or multilateral agreements or other arrangements, where necessary to eliminate contradictions with basic principles of this Convention, and shall enter into supplementary agreements or other arrangements where appropriate.

Article 22

CONFERENCE OF THE PARTIES

(1) The Contracting Parties shall meet upon recommendation by the International Commission.

(2) At such meetings the Contracting Parties shall in particular review policy issues concerning the implementation of this Convention upon the report of the International Commission and shall adopt appropriate recommendations or decisions.

(3) The Contracting Party whose head of delegation acts as President of the International Commission shall also play the part of the Chairperson of such meetings.

(4) The Conference of the Parties is competent to pass recommendations or decisions provided that after regular invitation the delegations from at least three quarters of all Contracting Parties are present. Unless otherwise provided in this Convention, the Conference of the Parties shall make every effort to reach agreement by consensus. Should consensus not be attainable, the Chairperson shall declare that all efforts at reaching agreement by consensus have been exhausted. After such an announcement a recommendation or decision shall be adopted by a four fifths majority of the Contracting Parties present and voting.

(5) The decision shall become binding on the first day of the eleventh month following the date of its adoption for all Contracting Parties that voted for it and have not within that period notified the Executive Secretary in writing that they are unable to accept the decision. However, such notification may be withdrawn at any time; the withdrawal shall become effective upon receipt by the Executive Secretary. Such a decision shall become binding on any other Contracting Party which has notified the Executive Secretary in writing that it is able to accept the decision from the moment of the receipt of that notification or on the first day of the eleventh month following the date of the adoption of the decision, whichever is later.

(6) If, however, the recommendation or decision would have financial implications, the recommendation or decision shall be adopted only by consensus.

Article 23

AMENDMENTS TO THE CONVENTION

The Convention shall be amended as follows:

(1) Any Contracting Party may propose an amendment to this Convention. The text of the proposed amendment together with the proposal to convene a Conference of the Parties shall be communicated to the Contracting Parties by the Depositary in writing.

(2) If at least three quarters of the Contracting Parties support the proposal to convene a Conference of the Parties the Depositary shall convene the Conference of the Parties within six months at the seat of the International Commission.

(3) The adoption of an amendment at the Conference of the Contracting Parties requires consensus.

(4) The adopted amendment shall be submitted by the Depositary Government to the Contracting Parties for ratification, acceptance or approval. Ratification, acceptance or approval of the amendment shall be notified to the Depositary Government in writing.

(5) The amendment shall enter into force for those Contracting Parties which have ratified, accepted or approved it on the thirtieth day after receipt by the Depositary Government of notification of its ratification, acceptance or approval by at least four fifths of the Contracting Parties. Thereafter the amendment shall enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification, acceptance or approval of the amendment.

(6) The Annexes I, II and III may be amended by the International Commission in accordance with Article 5 of its Statute.

Article 24

SETTLEMENT OF DISPUTES

(1) If a dispute arises between two or more Contracting Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other means of dispute settlement acceptable to the parties to the dispute, if appropriate with assistance by the International Commission.

(2)

(a) If the parties to the dispute are not able to settle the dispute in accordance with paragraph 1 of this Article within a reasonable time but not more than twelve months after the International Commission has been notified about the dispute by a party to the dispute, the dispute shall be submitted for compulsory decision to one of the following means of peaceful settlement:

- the International Court of Justice;
- arbitration in accordance with Annex V to this Convention.

(b) When ratifying, accepting, approving or acceding to this Convention or at any time thereafter a Contracting Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts one or both means of dispute settlement referred to in subpara (a) of this paragraph.

(c) If the parties to the dispute have accepted both means of dispute settlement referred to in subpara (a) of this paragraph the dispute shall be submitted to the International Court of Justice, unless the parties agree otherwise.

(d) If the parties to the dispute have not accepted the same means of dispute settlement referred to in subpara (a) of this paragraph, the dispute shall be submitted to the arbitration.

- (e) A Contracting Party which has not made a declaration in accordance with subpara (b) of this paragraph or whose declaration is no longer in force is considered to have accepted the arbitration.

Article 25

SIGNATURE

This Convention shall be open for signature by the Danubian States fully entitled to the rights and privileges of membership in the United Nations according to the UN Charter as well as by the European Community and any other regional economic integration organisation, to which such States as their members have transferred competence over matters governed by this Convention at Sofia on June 1994.

Article 26

RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of Romania which shall act as the Depository of this Convention.

Article 27

ENTRY INTO FORCE

This Convention shall enter into force on the ninetieth day following the date of deposit of the ninth instrument of ratification, acceptance, approval or accession. For each State or regional economic integration organisation ratifying, accepting, approving or acceding to this Convention after the deposit of the ninth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the ninetieth day after deposit by such State or regional economic integration organisation of its instrument of ratification, acceptance, approval or accession.

Article 28

ACCESSION, PARTICIPATION

(1) A State or regional economic integration organisation as referred to in Article 25 of this Convention, which has not signed this Convention may accede to this Convention. The instrument of accession shall be deposited with the Depositary.

(2) Contracting Parties may unanimously invite any other State or regional economic integration organisation to accede to this Convention or to participate in it with a consultative status.

Article 29

WITHDRAWAL

At any time after five years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from this Convention by written notification to the Depositary. Any such withdrawal shall take effect one year after the date of the receipt of the notification by the Depositary.

Article 30

FUNCTIONS OF THE DEPOSITARY

The Depositary Government shall perform the functions of Depositary of this Convention, in particular, the Depositary shall inform the Contracting Parties:

- (a) of the deposit of instruments of ratification, acceptance, approval or accession, of withdrawal or of any other informations, declarations and instruments as are provided for in this Convention;
- (b) of the date of the entry into force of this Convention.

Article 31:

AUTHENTIC TEXTS, DEPOSITARY

The original of this Convention, of which the English and German texts shall be equally authentic, shall be deposited with the Government of Romania which shall send certified copies thereof to the Contracting Parties.

In witness whereof the undersigned being duly authorised by their respective Governments, have signed the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention).

Done at Sofia on the 29. day of June 1994.

Part I

BEST AVAILABLE TECHNIQUES

1. The use of the best available techniques shall emphasize the use of non-waste technology, if available.

2. The term "best available techniques" means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitute the best available techniques in general or individual cases, special consideration shall be given to:

- (a) comparable processes, facilities or methods of operation which have recently been successfully tried out;
- (b) technological advances and changes in scientific knowledge and understanding;
- (c) the economic feasibility of such techniques;
- (d) time limits for installation in both new and existing plants;
- (e) the nature and volume of the discharges and emissions concerned.

3. It therefore follows that what is "best available techniques" for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

4. If the reduction of discharges and emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.

5. The term "Techniques" includes both the technology used and the way the installation is designed, built, maintained, operated and dismantled.

Part 2

BEST ENVIRONMENTAL PRACTICE

1. Best environmental practice means the application of the most appropriate combination of sectoral environmental control strategies and measures.

2. In determining what combination of measures constitute best environmental practice, in general or individual cases, particular consideration should be given to:
 - the precautionary principle;
 - the environmental hazard of the product and its production, use and ultimate disposal (principle of responsibility);
 - the substitution by less polluting activities or substances and saving resources including energy (principle of minimising);
 - the scale of use;
 - the potential environmental benefit or penalty of substitute materials or activities;
 - advances and changes in scientific knowledge and understanding;
 - time limits for implementation;
 - social and economic implication.

3. It therefore follows that best environmental practice for a particular source of impacts will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

4. If the reduction of impacts resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.

INDUSTRIAL SECTORS AND
HAZARDOUS SUBSTANCES

Part 1: List of industrial sectors and industries:

1. In the heat generation, energy, and mining sectors:

- (a) Treatment of flue gases and exhaust air, slags, condensates from combustion plants;
- (b) Cooling systems;
- (c) Coal preparation, ore preparation;
- (d) Upgrading of coal and recovery of coal by-products, briquetting;
- (e) Manufacture of woody lignite, activated carbon, soot.

2. In the stone and earth industry, the building materials, glass and ceramics sectors:

- (a) Manufacture of fibrous cement and fibrous cement products;
- (b) Manufacture and processing of glass, glass fibres, mineral fibres;
- (c) Manufacture of ceramic products.

3. In the metals sector:

- (a) Metal working and processing: electroplating shops, pickling plants, anodic oxidation plants, burnishing plants, hot galvanising plants, hardening shops, printed circuit board manufacture, battery manufacture, enamelling works, mechanical workshops, slide polishing shops;
- (b) Manufacture of iron and steel, including foundries;
- (c) Manufacture of non-ferrous metals, including foundries;
- (d) Manufacture of ferro-alloys.

4. In the inorganic chemistry sector:

- (a) Manufacture of basic chemicals;
- (b) Manufacture of mineral acids, bases, salts;
- (c) Manufacture of alkalis, alkali lyes and chlorine using alkali chloride electrolysis;
- (d) Manufacture of mineral fertilizers (excluding potash fertilizers), phosphoric acid salts, phosphates for feedstuffs;
- (e) Manufacture of sodium carbonate;
- (f) Manufacture of corundum;
- (g) Manufacture of inorganic pigments, mineral pigments;
- (h) Manufacture of semi-conductors, rectifiers, photoelectric cells;
- (i) Manufacture of explosives, including pyrotechnics;
- (j) Manufacture of highly disperse oxides;
- (k) Manufacture of barium compounds.

5. In the organic chemistry sector:

- (a) Manufacture of basic chemicals;
- (b) Manufacture of dyes, pigments, paints;
- (c) Manufacture and processing of man-made fibres;
- (d) Manufacture and processing of plastics, rubber, caoutchouc;
- (e) Manufacture of organic halogen compounds;
- (f) Manufacture of organic explosives, solid fuels;
- (g) Manufacture of auxiliaries for leather, papermaking and textile production;
- (h) Manufacture of pharmaceuticals;
- (i) Manufacture of biocides;
- (j) Manufacture of raw materials for washing and cleaning agents;
- (k) Manufacture of cosmetics;
- (l) Manufacture of gelatins, hide glue, adhesives.

6. In the mineral oil and synthetic oils sectors:

- (a) Mineral-oil processing, manufacture and refining of mineral oil products, manufacture of hydrocarbons;
- (b) Recovery of oil from oil-in-water mixtures, demulsification plants, recovery and treatment of waste oil;
- (c) Manufacture of synthetic oils.

7. In the printing plant, reproshop, surface treatment and plastic-sheet manufacturing sectors, as well as other forms of processing resins and plastics:

- (a) Manufacture of printed and graphic products, reproshops;
- (b) Printing laboratories and film laboratories;
- (c) Manufacture of foils, vision and sound carriers;
- (d) Manufacture of coated and impregnated materials.

8. In the wood, pulp and paper sectors:

- (a) Manufacture of pulp, paper and cardboard;
- (b) Manufacture and coating of wood fibre board.

9. In the textile, leather and fur sectors:

- (a) Textile manufacture, textile finishing;
- (b) Leather manufacture, leather finishing, leather substitute manufacture, fur finishing;
- (c) Dry cleaning, laundries, polishing cloth washings, woolen material washings.

10. Other sectors:

- (a) Recycling, treatment, storage, loading, unloading and depositing of waste and residual materials; storage, loading, unloading and transfer of chemicals;
- (b) Medical and scientific research and development, hospitals, doctors' practices, radiology institutes; laboratories, testing rooms;
- (c) Industrial cleaning businesses, cleaning of industrial containers;
- (d) Vehicle workshops, vehicle washing facilities;
- (e) Water treatment;
- (f) Painting and varnishing businesses;
- (g) Manufacture and processing of plant and animal extracts;
- (h) Manufacture and processing of microorganisms and viruses with in-vitro recombined nucleic acids;
- (i) Industrial sectors applying radioactive substances (nuclear industry).

Part 2: Guiding List of hazardous substances and groups of substances:A. Priority groups of substances

- (a) heavy metals and their compounds;
- (b) organohalogen compounds;
- (c) organic compounds of phosphorus and tin;
- (d) plant protection agents, pesticides (fungicides, herbicides, insecticides, algicides) and chemicals used for the preservation of wood, cellulose, paper, hides and textiles etc.;
- (e) oils and hydrocarbons of petroleum origin;
- (f) other organic compounds especially harmful to the aquatic environment;
- (g) inorganic nitrogen and phosphorus compounds;
- (h) radioactive substances, including wastes.

B. Single hazardous substances

As there are considerable differences as to the hazardous character of the substances contained in certain groups it is necessary also to emphasize some single substances, which in practice can play a priority role.

Substances	CAS-number
1. Mercury	7439976
2. Cadmium	7440439
3. Copper	7440508
4. Zinc	n.a.
5. Lead	7439921
6. Arsenic	7440382
7. Chromium	n.a.
8. Nickel	7440020

Substances	CAS-number
9. Boron	n.a.
10. Cobalt	n.a.
11. Selenium	7782492
12. Silver	n.a.
13. Drins	--
14. HCH	608731
15. DDT	50293
16. Pentachlorophenol	87865
17. Hexachlorobenzene	118741
18. Hexachlorobutadiene	87683
19. Carbontetrachloride	56235
20. Chloroform	67663
21. Trifluralin	1582098
22. Endosulfan	115297
23. Simazine	122349
24. Atrazine	1912249
25. Tributyltin-compounds	--
26. Triphenyltin-compounds	--
27. Azinphos-ethyl	2642719
28. Azinphos-methyl	86500
29. Fenitrothion	122145
30. Fenthion	55389
31. Malathion	121755
32. Parathion	56382
33. Parathion-methyl	298000
34. Dichlorvos	62737
35. Trichloroethylene	79016
36. Tetrachloroethylene	127184
37. Trichlorbenzene	--
38. Dichloroethane 1,2	107062
39. Trichloroethane	71556
40. Dioxina	n.a.

GENERAL GUIDANCE ON WATER QUALITY
OBJECTIVES AND CRITERIA *)

Water quality objectives and criteria developed for specific reaches of the Danube River and for surface waters within its catchment area shall:

- (a) Take into account the option of maintaining and, where necessary, improving the existing water quality;
- (b) Aim at the reduction of average pollution loads and concentrations (in particular hazardous substances) to a certain degree within a certain period of time;
- (c) Take into account specific water quality requirements (raw water for drinking-water purposes, irrigation, etc.);
- (d) Take into account specific requirements regarding sensitive and specially protected waters and their environment, e.g. lakes, zones for the protection of bank-filtered water and wetlands;
- (e) Be based on the application of biological classification methods and chemical indices for the medium- and long-term review of water quality maintenance and improvement;
- (f) Take into account the degree to which objectives are reached and additional protective measures may be required in individual cases.

*) Water quality objectives and criteria as a rule are individually developed and in particular adjusted to the prevailing conditions as to the ecosystems, the water resources and their utilization. Therefore in the framework of this Convention only general guidelines are addressed to the Contracting Parties.

ANNEX IVSTATUTE OF THE INTERNATIONAL COMMISSION
FOR THE PROTECTION OF DANUBE RIVER

Structures and procedures of the International Commission supplementary to Article 18 shall be established as follows:

Article 1: Composition

- (1) The International Commission consists of delegations nominated by the Contracting Parties. Each Contracting Party nominates five delegates at the utmost including the head of delegation and his deputy.
- (2) In addition each delegation may take the number of experts necessary for dealing with special questions, whose names are communicated to the Secretariat of the International Commission.

Article 2: Presidency

- (1) The Chair of the International Commission is held by the Contracting Parties in turn by alphabetical order (in English) for one year. The delegation looking after the Chair nominates one of its members to become President of the International Commission.
- (2) The President as a rule does not take the floor on behalf of his delegation within the meetings of the International Commission.
- (3) Further details concerning the Presidency are determined by the International Commission and included in its Rules of Procedure.

Article 3: Meetings

- (1) The International Commission convenes at least once a year on invitation of the President at a place to be determined by him an ordinary meeting.
- (2) Extraordinary meetings are to be convened by the President on the request of at least three delegations.
- (3) Consultations of the heads of delegation may be held intermediately to the meetings of the Commission.
- (4) The President proposes the agenda items. They include reports by the Standing Working Group and its expert groups. Each delegation has the right to propose those agenda items which it likes to see dealt with. The order of sequence for the agenda items is determined in the International Commission by majority vote.

Article 4: Taking decisions

- (1) Each delegation has one vote.
- (2) Notwithstanding the provisions of paragraph (1) of this Article, the European Community, within the areas of its competence, is entitled to a number of votes equal to the number of its Member States which are Contracting Parties to this Convention. This organization shall not exercise its right to vote in cases where its Member States exercise theirs and conversely.
- (3) The International Commission constitutes a quorum with the presence of the delegations of at least two thirds of the Contracting Parties.
- (4) Written procedures may take place under conditions to be determined by the Rules of Procedure of the International Commission.

Article 5: Adopting Decisions

- (1) Decisions and recommendations shall be adopted by consensus of the delegations to the International Commission. Should consensus not be attainable, the President of the Commission shall declare, that all efforts at reaching agreement by consensus have been exhausted. Unless otherwise provided in the Convention, the Commission shall in this case adopt decisions or recommendations by a four-fifths majority vote of the delegations present and voting.
- (2) The decision shall become binding on the first day of the eleventh month following the date of its adoption for all Contracting Parties that voted for it and have not within that period notified the Executive Secretary in writing that they are unable to accept the decision. However, such notification may be withdrawn at any time; the withdrawal shall become effective upon receipt by the Executive Secretary. Such a decision shall become binding on any other Contracting Party which has notified the Executive Secretary in writing that it is able to accept the decision from the moment of the receipt of that notification or on the first day of the eleventh month following the date of the adoption of the decision, whichever is later.

Article 6: Expert bodies

- (1) The International Commission establishes a Standing Working Group. For certain fields of work and for specific problems there are introduced standing or ad hoc Expert Groups.
- (2) The Standing Working Group and the Expert Groups consist of delegates and experts nominated by the delegations to the Commission.

- (3) The Standing Working Group is attended by delegates from all Contracting Parties. The International Commission nominates its Chairman and determines the utmost number of delegates. The Commission also determines the number of experts participating in the Expert Groups.

Article 7: Secretariat

- (1) A Permanent Secretariat is hereby established.
- (2) The Permanent Secretariat shall have its headquarters in Vienna.
- (3) The International Commission shall appoint an Executive Secretary and make provisions for the appointment of such other personal as may be necessary. The Commission shall determine the duties of the Executive Secretary's post and the terms and conditions upon which it is to be held.
- (4) The Executive Secretary shall perform the functions that are necessary for the administration of this Convention and for the work of the International Commission as well as the other tasks entrusted to the Executive Secretary by the Commission in accordance with its Rules of Procedure and its Financial Regulations.

Article 8: Entrusting Special Experts

In the framework of its assessments, the evaluation of results gained and for the analysis of special questions the International Commission may entrust particularly qualified persons, scientific institutions or other facilities.

Article 9: Reports

The International Commission submits to the Contracting Parties an annual report on its activities as well as further reports as required, which in particular also include the results of monitoring and assessment.

Article 10: Legal capacity and representation

- (1) The International Commission shall have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes in accordance with the law applicable at the headquarters of its Secretariat.
- (2) The International Commission shall be represented by its President. This representation shall be determined further by the Rules of Procedure.

Article 11: Costs

- (1) The International Commission shall adopt its Financial Rules.
- (2) The Commission shall adopt an annual or biennial budget of proposed expenditures and consider budget estimates for the fiscal period following thereafter.
- (3) The total amount of the budget, including any supplementary budget adopted by the Commission shall be contributed by the Contracting Parties other than the European Community, in equal parts, unless unanimously decided otherwise by the Commission.
- (4) The European Community shall contribute no more than 2.5 % of the administrative costs to the budget.

- (5) Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.
- (6) Each Contracting Party carries the costs of the current monitoring and assessment activities, carried out in their territory.

Article 12: Rules of Procedure

The International Commission establishes its Rules of Procedure.

Article 13: Working Languages

The official languages of the International Commission are English and German.

ANNEX V

ARBITRATION

- (1) The procedure of the arbitration referred to in Article 24 of this Convention shall be in accordance with paragraphs 2 to 10 as follows:
- (2) (a) In the event of a dispute being submitted to arbitration pursuant to Article 24 paragraph 2 of this Convention an arbitral tribunal shall be constituted at the request addressed by one party to the dispute to the other party. The request for arbitration shall state the subject matter of the application including in particular the articles of this Convention, the interpretation or application of which is in dispute.

(b) The applicant party shall inform the International Commission that it has requested the setting up of an arbitral tribunal, stating the name of the other party to the dispute and the articles of this Convention the interpretation or application of which, in its opinion, is in dispute. The claimant as well as the defendant party can consist of a plurality of Contracting Parties. The International Commission shall forward the information thus received to all Contracting Parties to this Convention.
- (3) The arbitral tribunal shall consist of three members: both the claimant party or parties and the other party or parties to the dispute shall appoint an arbitrator within two months; the two arbitrators so appointed shall designate by common agreement within two months the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
- (4) (a) If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the President of the International Court of Justice who shall designate the chairman of the arbitral tribunal within a further two months'

period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, if the arbitrator has not been approved, the chairman of the arbitral tribunal shall inform the President of the International Court of Justice who shall make this appointment within a further two months' period.

(b) If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the President of the International Court of Justice shall, at the request of either party, designate him within a further two months' period.

(5) (a) The arbitral tribunal shall decide according to the rules of international law and, in particular, those of this Convention.

(b) Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

(c) In the event of a dispute as to whether the arbitral tribunal has jurisdiction, the matter shall be decided by the decision of the arbitral tribunal.

(6) (a) The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

(b) The arbitral tribunal may use all appropriate means in order to establish the facts. It may at the request of one of the parties prescribe essential interim measures of protection.

(c) If two or more arbitral tribunals constituted under the provisions of this Annex are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.

- (d) The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
- (e) The absence of a party to the dispute shall not constitute an impediment to the proceedings.
- (7) Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.
- (8) The arbitral tribunal shall render its award within five months of the date on which it is established, unless it finds it necessary to extend the time limit for a period which should not exceed five months.
- (9) Any Contracting Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal. The award of the arbitral tribunal shall become binding on the intervening Party in the same way as for the parties to the dispute.
- (10) (a) The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the International Commission. The Commission will forward the information received to all parties to this Convention.
- (b) Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

FINAL ACT

The Conference for the signing of the Convention on cooperation for the protection and sustainable use of the Danube river took place in Sofia on June 29, 1994.

The Governments of the following states were represented at the Conference: Austria, Bulgaria, Croatia, Czech Republic, Germany, Hungary, Moldova, Romania, Slovak Republic, Slovenia and Ukraine. A representative of the European Community took part in the Conference.

The Programme Coordination Unit - Environmental Programme for the Danube River Basin attended the Conference as an observer.

The list of delegations is attached.

The opening meeting of the Conference was attended by H.E. Evgeni Matinchev, Deputy Prime-Minister of the Republic of Bulgaria, who addressed the participants.

The Conference elected Dr. Valentin Bossevsky, Minister of the Environment of the Republic of Bulgaria, as Chairman.

Statements were made by the Head of delegation of Austria, Bulgaria, Croatia, Germany, Hungary, Moldova, Romania, Slovak Republic, Slovenia, Ukraine and the European Community.

The Conference considered and adopted on 29 June 1994 the Convention on cooperation for the protection and sustainable use of the Danube river. On the same day the Convention was opened for signature and signed by Austria, Bulgaria, Croatia, Germany, Hungary, Moldova, Romania, Slovak Republic, Ukraine and the European Community.

The Conference was informed that the Governments of the Czech Republic and Slovenia have not completed yet their legislative procedure for the signature of the Convention as well as of their willingness to sign to the Convention as soon as possible.

The Conference adopted a Declaration on some issues of the interim implementation of the Convention, the text of which is attached to this Final Act.

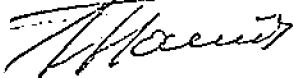
In witness thereof the undersigned have affixed their signatures to this Final Act.

done at Sofia, this 29th day of June 1994, in a single original copy, in English and German, the texts of which are equally authentic, to be deposited with the Government of Romania.

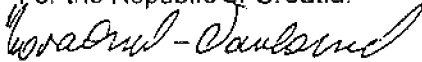
For the Republic of Austria:



For the Republic of Bulgaria:



For the Republic of Croatia:



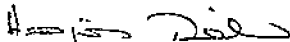
For the Czech Republic:



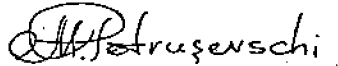
For the Federal Republic of Germany:



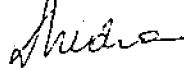
For the Republic of Hungary:



For the Republic of Moldova:



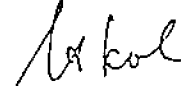
For Romania:



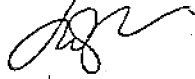
For the Slovak Republic:



For the Republic of Slovenia:



For Ukraine:



For the European Community:



DECLARATION

taken by the Signatories of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River

The Signatories of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention)

Having Regard to the ongoing cooperation in the framework of the Bucharest Declaration 1985, to the outcome of the CSCE Meeting on the Protection of the Environment (Sofia, 1989) and to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992), which forms the basis of this Convention

Emphasizing the urgent need for starting water management cooperation for the protection of the Danube River as soon as possible in a measure-oriented way to prevent, control and step by step reduce significant adverse transboundary impact on the aquatic environment within the Danube River Basin with due attention also given to the protection of the Black Sea against pollution

Striving at close cooperation with the Environmental Programme for the Danube River Basin at the water sector

1. Undertake to make all steps necessary for the entry into force of the Danube River Protection Convention as soon as possible.

2. Decide, pending the entry into force of the River Danube Protection Convention, to constitute the International Commission and establish its Secretariat on an interim basis entrusted with preparatory issues as may be deemed important for starting and realizing interim implementation such as:
 - a) providing of the financial possibilities on a voluntary basis;
 - b) developing draft Rules of Procedure and draft Financial Rules;
 - c) taking up priority issues of the interim implementation.
3. Invite the Task Force for the Environmental Programme for the Danube River Basin taking account of the Strategic Action Plan to cooperate with the Interim International Commission and its Secretariat and to contribute to the effective implementation of the Convention.
4. Express their wish to join this interim implementation and cooperation without delay striving at best possible progress and to facilitate all efforts at the domestic level.

Sofia, 29 June 1984

Annex 72

RESOLUTION (AND REPORT) OF THE GOVERNMENT OF THE SLOVAK REPUBLIC CONCERNING
DISPUTED ISSUES OF THE GABČÍKOV-NAGYMAROS BARRAGE SYSTEM AND THE GOVERNMENT
PROPOSAL IN CONNECTION WITH THE FUTURE COURSE OF ACTION, 7 JULY 1994

The Government

A. acknowledges

receipt of the report concerning the disputed issues of the Gabčíkovo-Nagymaros barrage system and the options for the future course of action.

B. states that

1. The temporary water management system is primarily a professional problem, involving ecological and technical aspects, therefore it is not sufficient for its solution to observe merely the political aspects.
2. The recommendation of the experts of the European Community, which, among others, makes the compromise of increasing the water delivery of the Danube to 800 cubic metres, wished to promote political aspects at the definition of the average water delivery and represented this position.
3. In view of the fact that the experts drew attention to the danger of eutrophication and high-degree sedimentation, which would be a result of the realisation of the recommendation, the Government considers it necessary to conduct a dynamic model test of the environmental impact, before the water delivery of the Danube is actually increased to 800 cubic metres.

C. instructs

1. the Minister for Environmental Protection

to define, in co-operation with the government plenipotentiary for the Gabčíkovo barrage system, the activities required for testing the degree of sedimentation and eutrophication taking place in the reservoir, should the water delivery of the Danube be 400 or 800 cubic metres, using the available modelling tools from the PHARE EC/WAT I "Danube Plain - a Model of Subsurface Waters" Project, and to submit a report on it.

2. the Ministers of Agriculture and Environmental Protection

to immediately give access to all necessary and available material for the Ministry for Foreign Affairs to facilitate the test measuring activities and the action of the International Court at the Hague.

3. the Minister for Foreign Affairs

to conduct active diplomacy and make known the standpoint of the Slovakian Government concerning temporary water sharing.

4. the government plenipotentiary in the matters of the barrage system

to prepare the guidelines for the discussions with the Hungarian partner in accordance with government proposal No. 111, dated 8 February 1994, concerning the temporary water management system.

PREAMBLE

The Prime Minister of the Slovak Government asked the Minister for Foreign Affairs in his letter No. 848/94-S, dated 29 April, 1994, to submit documentation related to the Gabčíkovo-Nagymaros Barrage System at the government meeting. The document should contain a proposal for solution of political nature concerning the future course of action.

At the government meeting of 5 May, 1994, with P. Koncos, Minister of Agriculture, J. Hrasko, Minister of Environmental Protection and D. Rozbora, Under-Secretary of State for Foreign Affairs, the Ministry for Foreign Affairs was charged with taking responsibility for the discussions on 17 May of the Gabčíkovo barrage. This involves providing information about the current status of the debated issues and the options for future course of action. The ministers present at the meeting were given authorisation to establish the standpoints of the competencies with the help of a professional team to be organised and should submit a proposal concerning the way forward in the disputed issues of the Gabčíkovo barrage.

The standpoints of the three competencies concerning the Gabčíkovo barrage were formulated at an inter-sectoral meeting, which took place on 10 May, 1994. The documents, which were part of the submitted material, as determined at the meeting on 5 May, constitute the attachments to the report.

After the meeting of the Slovak cabinet on 24 May, 1994, the report submitted was supplemented with the specific diplomatic action steps for popularising the standpoint of the Slovak government, as contained in Point C/2. A proposed statement was separately elaborated to make known the position of the Slovak government on the matter of the Gabčíkovo barrage.

REPORT

concerning the present status of the disputed issues of the Gabčíkovo Barrage System and the possible future course of action

The dispute over the Gabčíkovo-Nagymaros Barrage System was brought to the International Court at the Hague by the Hungarian and Slovak parties. The Memorandum of the Slovak Republic, which was submitted to the Court at the Hague, was introduced to the Slovak Government in document No. 67 151/94-OMSD, discussed on 26 April, 1994.

The earliest that a ruling of the Court at the Hague can be expected is 1996. Until then the opposing parties are free to resolve the matter outside the courtroom, provided that a compromise acceptable to both can be found. This is, however, rather unlikely in the present situation.

Another, separate problem is the discussions with the Hungarian Republic concerning the temporary water management system.

Related to the submission statement an agreement was made that if needed, the Hungarian and the Slovakian parties, with the participation of the European Community, would agree about the temporary water management system, which should be in effect until the Court ruling.

During the discussions of the submission statement, at first the Czechoslovakian, later the Slovak party has aimed at preventing the Hungarian party from abusing the possibility of extraordinary measures for stopping Variant C. As a result of the discussions, Point 4 of the submission statement declares: the parties commit themselves to agree in a temporary water management regime of the Danube. It is a condition for the submission statement to be considered valid that the parties should not request the introduction of extraordinary measures. If either of the parties believe that the activities of the other party are damaging their rights, they can ask for immediate consultations, but not for extraordinary measures to be taken.

It is a result of the above that there can be only one reason for taking an extraordinary measure, which is the rejection of the discussions on temporary water management. The fact that the parties have not reached an agreement is not sufficient cause for it.

During the summer of 1993, Slovakia, Hungary and the EC agreed that they would set up a special team for monitoring the temporary water management system. The team consisted of 3 EC experts, 1 Hungarian and 1 Slovakian expert.

The two reports produced by the team are valuable documents for the objective evaluation of the environmental impact of the barrage and a persuasive argument against earlier forecasts of a catastrophe after the installation of the barrage. It describes the positive effects of the barrage on the water management situation of the given area. Negative effects (a decrease in groundwater levels) were measured only on the Hungarian flood area, to the East of the Čunovo projects. This is a direct result of not realising the originally assumed plan, the Hungarian party disagreeing with the measures planned.

The team completed its task by preparing the second report concerning temporary water management on 1 December 1993. The report contains several options for solving the issue of temporary water division. The experts of the Hungarian and the Slovak parties were unable to

agree in any of the solutions, therefore the EC experts prepared a recommendation themselves, which was a combination of variants two and three.

In accordance with the trilateral agreement made in the summer of 1993, the results of the investigations were submitted by the parties to their respective governments, as a source document for further discussions. The Hungarian party sent their statement of position to the EC on 14 January, 1994, and the Slovak party sent it on 8 February.

The European Communities were promoting the compromise proposed by the EC experts. By involving a greater group of experts, the Slovak partner developed a position in the matter, whereby they accepted the points of the recommendation except for the one concerning the water delivery of 800 cubic metres per second, since this involves technical measures like water supplementation in the lateral branches on the Hungarian side. The main issue of the Slovak-Hungarian debate is, however, the question of water delivery. This is the reason why previous discussions have been stalled (the Hungarian party accepts it as a compromise on the water delivery of two thirds demanded earlier). Slovakia, however, starts from the fact that already the current water delivery of almost 400 cubic metres is more than the water delivery of 50-200 cubic metres put forward in the contracted plan.

Due to the high degree of eutrophication and unwanted sedimentation, and a short-fall in electricity production, used for financing the further construction of the barrage, the Slovak experts are of the opinion that the recommendation of the EC experts cannot be accepted in its unchanged form. The set target can be achieved at lower water delivery levels in the Danube-bed, provided that water supplementation would be solved in the same way as on the Slovak side.

The ministries competent in the field suggested that the Slovak Government should not reject the EC recommendation, but that it should submit its own, which could be realised in two stages. This plan was discussed and approved at the meeting of the Slovak cabinet on 8 February 1994, and forwarded to Brussels via diplomatic channels on the same day. The essence of the Slovak proposal is that it suggests a two-stage approach to the water management system, without a priori defining the average water delivery in the old Danube river-bed.

The first stage would comprise of solving the water supply of the flood area on the Hungarian side (by means of constructing underwater weirs in the Danube river-bed or a different method, e.g. directing water of greater quantity into the Moson-Danube directly from Slovak territory).

The issue of the quantity of water to be let into the Danube river-bed would be solved in the second stage, depending on the results of water supplementation in the network of lateral branches on the Hungarian side.

The proposal sets the following goals:

- to achieve at least partial progress at the discussions concerning the temporary water division, in which the EC has an interest and the failure of the discussions would have unfavourable consequences.

- The negative effects on the Hungarian side could be reversed in this vegetational period.

- A more favourable initial situation could be established for the discussions concerning the water delivery in the Danube river-bed, since a great bulk of the arguments upheld by the Hungarian party would be defeated by the water-supplementation and the discussions concerning water delivery would become more objective.

On receiving the Slovak recommendation in Brussels, the representative of the EC said that they found that the flaw in their recommendation was the fact that it did not accurately define quantity of water delivery, and this could not be accepted by the Hungarian party. They warned the Slovak party that if no agreement was reached in the question of temporary water sharing, then problems might arise between Slovakia and the countries of the EC. They were hesitant about the Hungarian position, but they considered it an essentially promising step that they had accepted the recommendations of the EC experts. They considered the Slovak position inflexible. They assumed that the EC countries effected pressure on Slovakia in order to concretely define the water delivery in the Danube river-bed.

The Committee of the EC did not immediately provide information about the position of the Hungarian government, and they did not inform the Hungarian government of the Slovak position, either. It was at this stage, i.e. with the Slovak Government not yet knowing the position of the Hungarian party, that the German ambassador to Bratislava forwarded the *Note Verbale* of the EC on 16 February, 1994. The Note, among other things, declares that the EC do not understand the Slovakian reply and states that it is of great urgency to discuss the problem not from a technical, but a political aspect. The EC intervened at the Slovak cabinet to convince them to be more receptive of the recommendation of the EC experts. In his reply, the Slovak Prime Minister explained that the Slovak party can take up a position only after learning the reply of the Hungarian party.

The Slovak party received the Hungarian statement of position on 7 March, 1994, in which they accept the recommendations of the EC experts.

During March, the Hungarian Parliament dealt with the issue of water sharing and the most heated debate focused on whether to construct or not the two underwater weirs in the Danube river-bed, as suggested by the EC experts and as officially accepted by the Hungarian government on 14 January.

On 19 March, 1994, the Hungarian Parliament accepted a resolution whereby it repeatedly disallowed the construction of the underwater weirs, although this is not explicit in the resolution. Parliament would only discuss further technical action steps if an agreement has been concluded with the Slovak party concerning temporary water sharing, in the format proposed by the EC experts. As it is described with the same words in the resolution: during the legal proceedings at the Hague, the Hungarian Parliament will accept decisions concerning technical measures only as a function of the actual water division.

Following the above Parliament ruling, several exchanges of Notes took place between the Slovak and the Hungarian parties, in which both parties expressed their willingness to continue the talks about temporary water sharing in the shortest possible time-frame.

The difference between the opinions of the two parties concerning the renewal of the discussions of water sharing is that the Hungarian party makes this dependent on the fact whether the Slovak partner will accept the proposal for greatly increasing the water delivery of the Danube river-bed, while the Slovak party wants to ensure the improvement of the water replacement of the

lateral branch network at the first stage, by constructing underwater weirs or taking other technical measures (increasing the water supply of the Moson-Danube) and will want to define the water delivery of the Danube river-bed only at the second stage, in light of the actual results.

Although the Resolution of the Hungarian Parliament - just like so many times in this past period - will limit the mandate of the Hungarian Government for the coming period, the rational and effective solution should be investigated, primarily to ensure the improvement of the water supply in Szigetköz.

It seems that the EC decided to increase the pressure on the Slovak party in the issue of water sharing, forcing them to bring a political decision in the matter.

The EC believes that the recommendation of their experts is the last chance for solving the issue of temporary water sharing. Therefore the German ambassador at Bratislava again asked the Slovak Prime Minister to re-evaluate the existing situation. The Slovak Prime Minister promised to carefully study the recommendation of the experts from the EC committee and to inform the EC of the Slovak position.

The recommendation of the experts from the EC committee, which contains the water delivery of 800 cubic metres into the Danube river-bed, cannot be considered a purely professional solution, rather, as an attempt at a political compromise. In other words, it is the arithmetic mean value between the water delivery of 1200 cubic metres, demanded by the Hungarian party and the current water delivery, since on average it was 400 cubic metres in 1993. The leader of the expert team of the EC committee, Mr. Schreiner, sent these exact words to Mr. Benavides on 10 February, 1994: "The main factor in our proposals is the water delivery into the Danube river-bed. Increasing water delivery, together with further measures, will have an immediate positive effect on the environment." The inflexibility of the parties made it impossible for the team to elaborate a common proposal during water sharing. The Slovak experts insisted on water delivery of 400 cubic metres, while the Hungarian party wanted 1200 cubic metres. The recommendation of the EC experts can thus be understood as a compromise.

The higher quantity of water in the Danube river-bed is to help improve the water supply of the lateral branch network. This can be achieved by the use of underwater weirs or other technical measures, some of which were suggested by the Slovak Republic (increasing the amount of water flowing into the Moson-Danube from 20 m³/sec to 40 m³/sec from the middle of this year, building underwater weirs on Slovak territory and thus feeding the Hungarian lateral branch network directly from Slovakian territory). All of these technical steps require the involvement and co-operation of the Hungarian party, who will have to take measures for using the amounts of water received. The Hungarian party, however, is refusing discussions on the matter.

If accepted, the recommendation of the European Union Committee experts for letting into the old river-bed of the Danube 800 m³/sec would cause an annual loss of 600 million Slovak crowns for Slovakia in electricity production. This amount would have been used for completing the Gabčíkovo barrage and improving its operations.

In the current stage of phase II of the temporary solution (until September 1994), yet another fact needs to be considered: letting out a flow of 800 m³/sec is not even technically feasible (according to J. Obložinský, engineer, deputy director of the Water Management Construction Company).

The Position of the Ministry for Foreign Affairs of the Slovak Republic

The MFA/SR is not competent in deciding whether one or the other proposed solution of the Temporary Water Management Regime (TWMR) is suitable from a technical or environmental aspect, whether it is feasible technically. It is an issue where the technical experts have to declare their opinion (such as the main contractor, the representatives of the designer, the government plenipotentiary for building and operating the Gabčíkovo-Nagymaros Barrage System, the Ministry for Environmental Protection).

From a foreign policy aspect, however, the MFA/SR considers it practical to make an advancement towards the Hungarian party and the European Union, thereby facilitating an agreement between the new governments on the issue of the TWMR. This, however, does not mean that the proposal for water delivery of 800 cubic metres should be accepted at all cost, which the European Union and Hungary wish to enforce upon Slovakia.

From the aspect of foreign policy and international law, however, it is very important that what the experts propose and the government of Slovakia underwrites, should be technically feasible. Unrealisable commitments should not be accepted.

The question of water sharing has no determining significance for the legal debate at the International Court. The choice of water management system does not have an impact on the course of the debate. What is essential is to agree in a decision and to realise it as soon as possible.

It is also possible that, if the plan put forward in the original contract is not realised because of the ruling of the Court, then the water management regime, which is currently accepted as temporary, might become permanent, because it may prove satisfactory and there will be no cause for changing the court ruling.

It is the opinion of the MFA/SR that the solution of at least the main problem, that is the water supply of the Hungarian lateral branch network, would be feasible within a relatively short time. This requires the assistance of the Hungarian party, who, however, reject discussions, until the Slovak Republic, similarly to the Hungarian Republic, agrees with the recommendation of the EC experts for the TWMR, first of all the proposed water sharing, meaning the flow of 800 m³/sec of water into the old river-bed of the Danube.

In its Note sent before the last to the Hungarian party concerning the matter of TWMR negotiations, the MFA/SR again expressed their willingness to immediately continue the discussion concerning the TWMR on an expert level, without setting preliminary conditions. By this the Slovak party refers to the resolution of the Hungarian Parliament, which was described by the MFA/HR in a note sent to the Slovak party. The note contains, in exactly this wording, that the Parliament will bring the decisions concerning the necessary technical measures during the legal proceedings at the International Court, depending on actual water sharing. The MFA/SR urges the Hungarian party to find a rational and efficient solution to the problem (especially as far as the better water supply for Szigetköz is concerned). This is reflected in the latest note, sent to the Hungarian party on 6 May, 1994 (see Attachment 6).

If the Government of the Slovak Republic were bent on the conclusion that a political decision should be brought to solve the problem of the TWMR, then all the implications for the TWMR of accepting the expert recommendation of the EU Committee will have to be evaluated again. This recommendation counts on an average water delivery of 800 m³/sec into the old river-

bed of the Danube, which would serve as a basis for the Hungarian party at future negotiations concerning the TWMR, including the construction of two underwater weirs, too. The Hungarian Parliament is not expected to bring a decision about building the underwater weirs before July or September, due to the elections in Hungary.

The Position of the Ministry of Agriculture

The Ministry of Agriculture finds it necessary to emphasise that any further steps for making a compromise should be subject to the construction of the underwater weirs. Water supplementation in the Danube river-bed would be extremely ineffective without this, and not even the water delivery of 800 m³/sec would satisfy the main goal, that of water supply for the lateral branch system on the Hungarian side.

Water delivery greater than 400 cubic metres in the Danube river-bed would have the following consequences:

a) Financial loss due to shortfall of electricity production. It is a well-known fact that when water delivery increases in rainy periods, this power plant produces 12.5% of the electricity needed in Slovakia. The second stage of building the Čunovo projects can only be continued if water usage is optimal. Income from electricity is the sole source for financing the works.

b) A slowing-down of the aforementioned second phase in the Čunovo area will increase the risk factor. Especially the lock is important to build, which would ensure a safe throughflow of higher water output and, together with the navigation chambers, letting the ice onto the Danube.

The navigation lock at Čunovo would, in case of a breakdown or an accident at the Gabčíkovo navigation chambers, make it possible to temporarily direct navigation to the old river-bed of the Danube.

Therefore it is necessary to make use of all financial resources to accelerate the construction of the aforementioned projects.

It is a precondition of building these projects (i.e. the lock and the navigation chamber) for the water delivery in the old river-bed of the Danube to not exceed 400 m³/sec. Water delivery greater than this would flood the construction site, resulting in the stalling of the works and the increase of costs.

During further negotiations with the Hungarian party, an agreement needs to be achieved concerning the method and scope of monitoring.

As of 15 June, 1994, the Slovak party can provide a water delivery of 30-40 cubic metres for the Moson-Danube, to improve the water supply of the right hand side flood area. This requires, however, the Hungarian party to make an agreement with the Slovak party and to take the necessary technical steps for inundating with water the system of lateral branches.

The Position of the Ministry for Environmental Protection of Slovakia

- I. Issues concerning water laws in relation to the operation of the Gabčíkovo barrage system, with regard to the water delivery in the old river-bed of the Danube.

In accordance with government resolution No. 237 of 21 May, 1991, the Minister for Forest and Water Management instructed that preparations for the investment should be made and the works for temporarily installing the Gabčíkovo barrage should start.

The Water Management Construction Company (Vodohospodárska vystaba), as investor, submitted for authorisation the work order documents to the former Slovak environmental protection committee, in accordance with Par. 14 of Act 138/73.

The environmental committee fulfilled its legal obligation by making a statement concerning the given investment in June 1991. They defined the tasks which are to be carried out as part of the investment. In accordance with Par. 14, they made it mandatory for the investor to protect the quality and quantity of subsurface waters in the Csallóköz area, which is protected from a water management aspect, and to preserve the ecosystem and genofond of the area concerned.

The Water Management Construction Company requested the water management authorities concerned to issue a water law permit and to approve the temporary operations schedule. The investor received the permit from the environmental protection authority of the Area of Bratislava in May, 1993, after producing the document requested. One of the conditions for issuing the permit was to provide a water delivery of at least 600 cubic metres in the Danube river-bed.

Operating within the framework of the water management supervisory board, the water management organ found that the Water Management Construction Company is letting an average of 400 cubic metres of water into the Danube river-bed during the operation of the barrage, thereby violating their legal obligation.

In March 1994, the Water Management Construction Company asked for a modification of the resolution from May 1993. The Environmental Protection Authority for the Area of Bratislava, using documents of previous operation and test results, modified its previous resolution on 29 April, 1994. In accordance with this resolution, the water delivery of the Danube is to be measured by the data of the water gauge station at Dévény, with the method developed by Professor Mucha's consultation team. A minimum of 200 cubic metres of water delivery needs to be ensured for the old river-bed of the Danube, higher levels are allowed.

When passing this resolution, the water management organ used the results of the existing monitoring system as a starting point and considered the assessment of the EC experts, too. The operation schedule allows for a dynamic system of subsurface waters, which is similar to natural changes in the water level and exactly defines the quantity of water arriving in the old river-bed of the Danube as a factor of the actual water delivery of the Danube.

II. Options for the Future Course of Action

The Ministry for Environmental Protection will state their position on two issues related to solving the disputed questions of the Gabčíkovo barrage system.

- (1) Common monitoring in the given area.
- (2) Constructing underwater weirs in the Danube river-bed and increasing water delivery to 800 cubic metres, in accordance with the recommendation of the EC.

Point (1)

In order to evaluate the environmental effects of the barrage system, a common monitoring program with Hungary needs to be realised, including the evaluation of the documents received. The indisputable advantage of this procedure would be that it would publicise such results as both parties will consider. Moreover, it would be received favourably abroad, too, since the data describing the effects of the barrage would be available. These aspects are similar in importance to the question of whether the parties will agree in a temporary water management regime.

It should be the governments of the parties that come to agreement concerning the conditions of common monitoring, and the experts appointed would develop a common programme. General definitions of these conditions can already be given:

- a balanced monitoring system should be established on both sides, which means that the monitoring should be done on the same principles by both parties (such as density of monitoring stations, the number of parameters monitored).

- The common expert team would define primarily the framework and scope of the common monitoring system.

- The common team would develop the harmonogramme of the monitoring, the gradual realisation of which is caused by the differences in monitoring on the Slovak and Hungarian areas concerned (a finding of the trilateral expert committee of the EC) and the high standards of the system (ensuring technical and financial conditions and the reliability of data and information).

- Use of the monitoring results should start immediately in the first phase, especially in the bilateral co-operation on boundary waters. (Hydrological observations, the common monitoring of water quality in the Danube, outside the main canal as well.)

- In the second phase, the monitoring programme of subsurface waters should be realised on the Slovak as well as the Hungarian side.

- In the third phase, a monitoring of other components of the environment can start.

Point (2)

In the Danube river-bed the proposal for building a system of so-called underwater weirs should be supported in order to improve environmental conditions. This solution would improve the water supply in the system of lateral branches on the Hungarian side at low water delivery, and would simultaneously provide a link between the system of branches with the main canal.

Their construction enables the barrage system to operate at the optimum level, making maximum use of the hydro-energy potential, and also provides protection for the reservoir from unwanted processes like sedimentation and eutrophication.

As far as the recommendations of the experts of the EU Committee concerning the TWMR, i.e. the ensuring of an average value of 800-cubic-metre water delivery, the Government of the Slovak Republic will have to evaluate a number of aspects, in which the environment can be fundamentally impacted.

- The speed of the current in the reservoir and the head-race canal should be such as to prevent unwanted sedimentation of suspended sediment and floating pollution on the upper section near the Kalinkovo and Somorja water sources (i.e. speed cannot be allowed to fall below 0.35 m/sec).

- In summer, water delivery should be such as to avoid excessive eutrophication in the head-race canal and the reservoir. This phenomenon would, on the one hand, result in the deterioration of the water quality in the reservoir and would have a negative effect on infiltration near the water sources on the Slovak side, and, on the other, the pollution (dead algae), by getting into the Danube, would cause the quality and effect of the water to deteriorate, which would bring about serious quality problems in the water sources in Hungary, upstream from Budapest.

For the reasons mentioned, a test modelling should be conducted to test the dynamic model of the TWMR in accordance with the recommendation of the "Subsurface Water" team (Prof. I. Mucha), at an average water delivery level of 800 cubic metres/sec, from the aspects mentioned above. Without such a check, no professionally sound decision can be passed concerning the realisation of the EU Committee recommendation for water delivery.

A Recommendation for Diplomatic Steps to Be Taken

The recommendations for diplomatic activity are based on the expectation of the Government of the Slovak Republic as to the diplomatic steps the MFA/SR to enforce the resolutions passed at the SR government meeting on 31 May, 1994.

When choosing the course of action, the MFA/SR assumes that it is realistic to expect a change of the Hungarian position concerning the Gabčíkovo-Nagymaros Barrage System after the inauguration of the new government and that the course of action the Hungarian Republic had taken internationally will become less effective. The European states are more inclined towards the opinion that the question should be solved by the professionals.

Therefore the recommendations for course of action follow two lines. According to the first one, the MFA/SR focuses on making the resolutions of the Government of the SR known immediately, along with the reasons for the course of action and of future recommended and expected steps. Along the other line, that of medium-term measures, the focus of the MFA/SR is on the monitoring of reactions in order to be able to encounter attacks with objective arguments, for which the Foreign Ministry needs to get all the necessary data from the functional areas under the supervision of the government plenipotentiary charged with the issues of the construction and operation of the Gabčíkovo-Nagymaros Barrage System.

The plan for diplomatic course of action contains steps in a breakdown of relationships with the Hungarian Republic, the European Union, the Parliament of Europe, the other European countries and, importantly, the EU member states.

The MFA/SR recommends the following concrete steps:

- all foreign representations, permanent missions and other selected representations of the SR in Europe should be sent the most important information contained in the report prepared about the solution for the disputable issues in relation to the Gabčíkovo-Nagymaros Barrage System and the options for future course of action,

- the ambassador of the SR to Hungary should be entrusted with familiarising the ambassadors of the EU countries accredited to the HR with the position of the Government of the SR,

- a press conference should be organised through the Embassy of the SR in Hungary, where an update should be given concerning the realistic solutions and the position of the SR on the matter,

- a letter by the Prime Minister of the SR should be composed to the prime ministers of the EU, explaining the position of the Government of the SR on this issue again,

- the ambassadors of the SR posted in EU countries take action in the foreign ministries concerned and inform the Government of the SR of the results of negotiations on the matter,

- staff at the foreign representations of the SR in EU countries will get in touch with the environmental protection ministries concerned and those institutions and organisations of the target country that deal with ecological questions and inform them of the resolutions of the SR Government and the reasons for the Slovak Government passing these resolutions,

- the Minister for Foreign Affairs, together with the Minister of Defence will inform the ambassadors of the EU member states of the resolutions passed at the meeting of the Government of the SR,

- the Press Department of the MFA/SR will inform the journalists of the leading media of the reasons that motivated the Government of the SR when making their decisions,

- depending on the progress, the MFA/SR will organise a press conference focusing on entirely the issues of future course of action in relation to the agreement to be reached concerning the TWMR,

- will again call the chosen government and non-government organisations and other independent institutions to make use of the existing, but never realised invitations to see the hydroelectric water plant and to learn the position of the Government of the SR on the matter of the TWMR.

Annex 73

MEMORIAL ON EXPERT TALKS HELD IN BRATISLAVA ON 5 AUGUST 1994, 24 AUGUST 1994

The list of participants is included in Appendix I.

The topic of the expert negotiations was the water replenishment of Szigetköz, the subject which was determined at the meeting of Prime Ministers of the Hungarian and Slovak Republics held on 5 August 1994.

As an introduction the parties defined the terminology: the water replenishment of Szigetköz represents the water replenishment of the right side branch system of the Danube.

At the meeting they reached agreement on the arrangement of further professional co-operation.

1. On 26 August 1994 3-3 Hungarian and Slovak experts will revise the technical details in a survey, namely details of the provision and reception of a 20 m³/sec additional water-delivery by water-extraction at Moson. The basic technical conditions are present both on the Hungarian and Slovak sides. The question of water law license will be directly negotiated by the water management authorities of the two countries.
2. The Hungarian party submitted a proposal for the increase of water delivery in the seepage canal by 50-70 m³/sec. The Slovak party will present their comments to this proposal on 9 September 1994. On 16 September 1994 an expert consultation will be held on this subject in Gyôr at the Directorate of Water Management.
3. At the meeting, other technical methods of impoundment were discussed which might be the topic of further expert negotiations.

This memorial was drafted in Hungarian and Slovakian, it is authentic in both languages.

Bratislava, 24 August 1994.

Annex 74

LETTER FROM C MARTIN, DIRECTOR GENERAL OF THE WWF, TO D KOCINGER, SLOVAK
COMMISSIONER FOR GNBS, 3 OCTOBER 1994

World Wide Fund For Nature (WWF)
Office of the Director General

Gland; 3 October 1994

Ing. Dominik Kocinger
Slovak Government Commissioner
for Gabčíkovo
Ministry of Agriculture
Slovak Republic
Dobroviocova 12
81266 Bratislava
Slovakia

Dear Mr. Kocinger,

In my letter of 21 June 1994, I informed you that WWF would evaluate Professor Mucha's Gabčíkovo - WWF: The Pros and Cons *inter alia* commented on WWF's study published in January 1994 and criticized WWF staff.

I also indicated that until such time as we had received comments on Professor Mucha's report, further WWF involvement in the Gabčíkovo issue would be temporarily suspended.

We are now in a position to share our assessment of Professor Mucha's report with you and others, to whom you took the liberty of copying my letter of 21 June 1994. However, before doing so, I must tell you that WWF's experts and staff have been quite distressed by the report's numerous, personal, derogatory and/or polemic remarks. These remarks are not considered to be appropriate to appear in a technical report. Prof. Mucha's adverse reactions to the WWF study also contrasts with the favourable reactions received from many other sources.

Referring to the contents of Prof. Mucha's report, it has to be recognised that this report deals only with a limited part of the impact pattern of the Gabčíkovo scheme, essentially concentrating on the groundwater issue. Ecological issues of similar or even higher importance, such as the floodplain dynamics have been largely omitted. The report also leaves out any consideration of the deterioration of ecological functions and the biodiversity of the entire floodplain and hardly refers to the important Hungarian part of the system. Another major weakness of the report is the fact that it does not address potential long-term effects.

In conclusion, the report of Prof. Mucha is seriously limited. It is concerned with only a partial aspect of the changes brought about by the drastic alteration of the hydrology, deals with only a part of the area affected, and encompasses a very limited time horizon. It therefore does not invalidate WWF's scientifically based argumentation.

In the light of these facts, WWF can see no reason to change its position laid out in its study published in January 1994 "A New Solution for the Danube". More specifically, WWF maintains its view that an ecologically acceptable solution entails, the following three-short term measures:

- * a discharge varying between 600 m²/sec and at least 940 m²/sec (depending upon the technical possibilities) of Danube water in the natural ("old") river bed;
- * the construction of the river bed by islands and gravel banks, and
- * reconnection with the side arms.

On a longer term basis a dynamic discharge of about two thirds of the Danube water in the old bed should be envisaged, together with a lifting and constriction of the present river bed over 30-30 km down stream of the Čunovo weir. These measures can be taken in both an ecologically sensitive way and without risking permanent interference with the river ecosystem.

As you undoubtedly realise, WWF's Mission is to conserve nature and ecological processes through the preservation of genetic, species and ecosystems diversity. WWF is therefore primarily concerned with the severe impact of the Gabčíkovo scheme on the biodiversity of the Danube floodplain. Thus WWF in its position focuses primarily on the need to maintain the floodplain dynamics based on a sufficient and dynamic discharge in the old river bed. This focus should in no way be read as disregard of or assent to effects on groundwater tables, changes in the hydrodynamics of water quality and other likely consequences of the scheme.

I herewith request you to inform your Government of WWF's assessment of Prof. Mucha's report and the confirmation of our standpoint published earlier this year. WWF, on its part, will communicate its position outlined above internationally, ending the temporary suspension of its involvement about which I wrote to you in June 1994.

Yours sincerely,

(signed) Dr. Claude MARTIN
Director General

Copy: Prof. Dr. Igor Mucha
Government of Hungary
Dipl. Ing. Johanna Mang, WWF-Austria
Dr. Emil Dister, Aueninstitut, WWF-Germany
PD Dr. H.H. Bernhart
Prof. Dr. Tomas Paces, André Jager
Prof. Dr. A. L. Roux
Dipl. Geogr. Alexander Zinke

Annex 75

WWF PRESS RELEASE REAFFIRMING THE ORGANISATION'S CONCERN ABOUT THE GABČÍKOV DAM, 4 OCTOBER 1994

World Wide Fund For Nature (WWF)

For Immediate Release, Tuesday 4 October 1994

WWF Reaffirms Concern About Gabčíkovo Dam

GLAND, Switzerland--WWF--World Wide Fund For Nature yesterday told the Government of the Republic of Slovakia that it continues to be concerned about the ecological impacts of the Gabčíkovo Dam, which threatens 200 km² of valuable floodplain forest.

"The Gabčíkovo Dam is likely to drastically alter the hydrology of the Danube floodplain and to inflict serious and lasting damage on the region's biodiversity", says Dr. Claude Martin, Director General of WWF International. "The scheme must be rethought."

In a letter to the Slovak Government Commissioner for Gabčíkovo, Dr. Martin rejected Slovak expert Professor Igor Mucha's criticisms of WWF's assessment of the ecological consequences of the dam. He pointed out the limitations of Professor Mucha's report, which only discusses part of the problem caused by altering the river flow, only examines part of the area affected, and ignores long-term impacts.

"We have looked carefully at Professor Mucha's report but can find nothing in it to justify changing our position", said Dr. Martin.

WWF's position, outlined in a study, "A New Solution for the Danube" (published in January 1994) proposed short and long-term conservation strategies. Short-term measures aim to get at least half the diverted water back into the riverbed, to narrow the riverbed, and to reconnect it with its side-arms. Looking further ahead, WWF believes that two-thirds of the Danube's water should flow along the original riverbed.

When Professor Mucha criticized WWF's position, the organization agreed to suspend activities while it investigated the validity of his comments. Having identified the limitations of Professor Mucha's report, the organization now restates its view that the Gabčíkovo scheme will have a severe impact on the ecology of the Danube floodplain.

Other critics of the scheme include the Hungarian government, which objects to Slovakia's unilateral decision to divert the waters of their shared river. To resolve the conflict, the governments of both countries applied to the International Court of Justice in The Hague. A judgement is expected next year at the earliest.

Annex 76

Press Alt-H for Help or Alt-Q to Quit.

LEVEL 1 - 1 OF 9 STORIES

Copyright 1984 The Economist Newspaper Ltd.
The Economist

December 8, 1984

SECTION: World politics and current affairs; EUROPE; Pg. 68 (U.S. Edition Pg. 47)

LENGTH: 335 words

HEADLINE: The Danube;
Blue is green

BODY:

Had the Austro-Hungarian empire survived into the era of green revolutions, a couple of environmental disputes in the heart of Europe might have been avoided. The problem is the Danube -- and the different ways in which Austria, Czechoslovakia and Hungary would like to see its precious waters used.

The Lower Austrian provincial government has just ratified plans to build a hydroelectric dam at Hainburg -- despite the worries of ecologists about the likely effects on Europe's last surviving wetland forest nearby. The
Press Alt-H for Help or Alt-Q to Quit.

The Economist, December 8, 1984

Czechoslovak government, which was also not amused, told the Austrians that, if the project went ahead, it would demand compensation. The damage, it fears, could include a loss of hydroelectric potential downstream, environmental disruption and an increased danger of floods in Bratislava, the capital of Slovakia.

All this must have raised a smile in Hungary, which has a rumbling "green" dispute of its own with the Czechoslovaks. The row is over a joint project, agreed upon in 1977, to provide electricity for both countries. On the Czechoslovak side, the scheme involves a canal some 15 miles long which would bypass the Danube shallows, and create a huge reservoir to serve a peak-time power station in Gabčíkovo. At Nagymaros, some 125 miles downstream, the Hungarians are supposed to be building a back-up peak-time generator.

In fact, the Hungarians have done virtually nothing since 1981. They plead lack of money. But the real reason is probably fierce opposition in Hungary to the scheme. This summer, thousands of people signed a petition demanding that the government abandon it altogether. The petitioners claim the scheme will cost twice as much as a normal power station, and damage water supplies and

local wildlife. The Hungarian government is keeping as quiet as it can. But the Austrians are believed to have offered to lend the Hungarians money for the scheme, thus depriving them of their best excuse for doing nothing.
Press Alt-H for Help or Alt-Q to Quit.

Annex 77

~~Press Alt-H for Help or Alt-Q to Quit:~~

LEVEL 1 - 3 OF 3 STORIES

Copyright 1988 Reuters
The Reuter Library Report

March 31, 1988, Thursday, AM cycle

LENGTH: 154 words

HEADLINE: ENVIRONMENTALISTS SCORE FIRST MAJOR WIN IN CZECHOSLOVAKIA

DATELINE: VIENNA, March 31

BODY:

The government announced on Thursday it was abandoning plans for a dam project in central Bohemia, a move that marked the first major victory for environmentalists in Czechoslovakia.

The Communist Party daily Rude Pravo said the project for the dam on the river Berounka, in a natural reservation listed by the United Nations scientific organisation UNESCO, had been rejected because of "irreversible danger it would cause to the environment".

Press Alt-H for Help or Alt-Q to Quit.

Reuters; March 31, 1988

The plan to build a dam on the river, and an artificial lake above it to power an electric plant, was openly opposed by both local party and government officials.

It was the first time in more than 20 years that the authorities had bowed to public opposition to a major economic project. Public debate on plans for industrial projects is rarely permitted in Czechoslovakia.

Last month the government's Environmental Commission recommended the abandonment of the plan.

September 1988

39

Czechoslovak SR/13

the arguments against the dam without comment comments. He added that the "hunger for information in Hungary was understandable, since there was a time when nothing at all was published about the project and doubts were interpreted as opposition," as if the case were different in Czechoslovakia.

The Krivoklat Project. The case of a similar though smaller project led to speculation about whether Czechoslovakia might be willing to reconsider Gabčíkovo. On 31 March 1988 *Rude Pravo* announced the cancellation of long-standing plans for a dam and hydroelectric power plant in the Berounka River Valley, southwest of Prague. Although well-orchestrated protests against the project by the Socialist Youth Union indicated that the authorities might have informed the official activists in advance about their change of mind, the cancellation came as a surprise, since it was the first project of this size to be dropped apparently for ecological reasons. *Rude Pravo* reported that the Czech government's decision had been based on the fact that the power plant would cause "irreparable damage to the world's and our natural and cultural wealth" and that it had urged energy officials to seek another location for their project.

This insight did not, however, originate with the Czech government. In 1977 UNESCO declared that the area should be protected, because the flooding of the Berounka River Valley would destroy valuable plants and animals. Hungarian and Austrian scientists, moreover, have pointed out that the dam would alter water levels and damage forests and farmland across a wide area. It seems that the international publicity given to the project played a certain role in its being dropped. In February 1988 the Czech government's so-called Ecology Council (there are no ministries of environmental protection in Czechoslovakia) eventually recommended dropping the Krivoklat project and was supported in this by the Czech Ministry of Culture, the Czechoslovak Academy of Sciences, and the Central Bohemian Regional Council, which described the plan as "untenable."

While the case of the Krivoklat dam proved that environmental considerations can have a certain impact, it should not delude one into thinking that the authorities will lack persistence in realizing other controversial undertakings, especially the Gabčíkovo-Nagymaros project. Although both dams were planned in the 1950s and 1960s, more than 60% of the work has been completed at Gabčíkovo, while construction was never even started in the Berounka Valley. The billions of koruny already invested and the fact that Gabčíkovo is viewed as a matter of prestige and proof of Czechoslovak engineering capacities will make it virtually impossible for the government to back down, even if international protests should increase. Even the few critics in Czechoslovakia have obviously accepted the fact that the project will be completed and are only asking for some alterations in the plans. It remains to be seen whether

A. ECONOMIC AND TECHNICAL

COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE

CONFERENCES

Czechoslovak and Hungarian views on continuation of Danube barrage project A joint operational group of official plenipotentiaries of both countries for the Danube project started work in Bratislava on 31st August. Both sides are continuing their building works according to the schedule, except those where the Hungarians on the instructions of superior bodies, have halted the work on damming the Danube. Work is in progress on the diversion canal, which, however, is not decisive in the current situation. The Czechoslovaks are preparing to create the conditions in which the original schedule could be maintained. The canal should become navigable by next year and the entire project operational in the beginning of July 1990. (*Bratislava 1630gmt 31 May 89*)

On 31st August the Hungarian Government spokesman, Zsolt Bajnot, referred to reports that Czechoslovakia would like to dam the Danube a few kilometres upstream from the Dunakiliti-Hrusov reservoir, that is, on Czechoslovak territory.

He said that the information on this plan was not official and therefore difficult to appraise. He supposed that this was a means of ensuring a supply of water for the Gabčíkovo hydroelectric station in case no agreement on building the system of hydroelectric stations on the original scale were reached next October and assumed that Czechoslovakia would retain some of the electricity generated at Gabčíkovo as compensation. Should this happen, he said, Hungary would regard it as a unilateral violation of the interstate agreement which might provoke a serious international dispute. Responsibility for the ecological, navigation, economic and other consequences would lie on Czechoslovakia. He expressed the conviction, however, that this would not happen.

According to Jozef Obložinský, deputy director of the water conservancy project enterprise in Bratislava, this alternative is being considered in case Hungary unilaterally refuses to meet her commitments under the contract on construction of the hydroelectric system. The project is at the planning and design stage, its implementation proper has not yet started and it depends on the decision by the Hungarians. If their decision is negative, Czechoslovak investment totalling Kcs 9,500 million on the Gabčíkovo section would remain unused without this alternative measure. "We, too hope that the alternative will not be needed."

It should be added that, besides announcing the suspension of the work on the Nagymaros section, the Hungarians are not continuing the preparations for damming the old river bed at Dunakiliti, the deadline for which is the end of next October. Czechoslovakia would incur considerable

damage if this deadline is not met. According to Obložinský, there are conditions for coming to terms with the work. In other words, the Czechoslovak technical alternative would be a measure to limit the damage caused by the Hungarians' failure to meet their commitments on the dam project. (*Rude Pravo' of 1st September 89*)

The Hungarian contractors have suspended the preparations for damming the old Danube bed at the site of the Hrusov reservoir and for rerouting the river through the Dunakiliti dam on Hungarian territory. As this dam is intended to regulate the volume of water in the Hrusov reservoir, from which the Gabčíkovo hydroelectric station will be directly supplied, the Hungarians have kept in their own hands the key to the entry into service of the generating complex.

The deadline for filling the Hrusov reservoir is December 1990. The damming of the old river bed and rerouting through Dunakiliti is planned for the end of October.

According to the Czechoslovak Government commissioner, Jozef Obložinský, for the Czechoslovak builders of the Gabčíkovo section, the deadline of December 1990 for filling the Hrusov reservoir remains binding; they have subordinated to this the provision of building facilities and the organisation of the construction project as a whole. As regards the Hungarian deliveries, it is proposed that the joint timetable be revised so that the Danube's bed can be rerouted by the deadline for filling the reservoir. The revised timetable is to be submitted to the September meeting of the government commissioners.

Miklós Szanto, the Hungarian commissioner, says that the operation of rerouting the Danube water from the old river bed through the Dunakiliti dam will last 72 hours, but this is only the culmination of large-scale preparations for which a minimum two months is needed. All the work depends on the hydrological conditions on the Danube. The conditions for the work are best when the flow averages about 1,500 cu.m. a second. As a rule, the river has this average flow at this time of year, until the end of October. Every rise in the average flow creates new risks and, once the limit of 2,000 cu.m. a second is exceeded, it not only becomes impossible to continue the damming, but regulatory and flood-protection considerations may even make it necessary to destroy incomplete work.

Unless the decision to suspend deliveries is revised soon, the damming may have to be delayed, possibly by a whole year. According to Obložinský a series of unpleasant consequences would be involved which might have catastrophic consequences for the whole project and for the surrounding landscape, unless costly measures on the needed scale were taken. This is essential in view of the advanced final stage of construction at the Hrusov reservoir and at the Gabčíkovo complex as a whole, and of the need for individual stages of construction to follow each another. For example the Gabčíkovo section is already being flooded from below with ground water.

Unless it is flooded on the surface, too, with the Danube water, which is how the design was calculated, the forces at

"On the basis of the impressions I have gathered from the talks I have already attended, my personal opinion is that, if the Hungarians make their decision contingent upon parliamentary approval next October, they will not be able to route the channel via the Dunakiliti dam within the only possible period. We are now, therefore, considering the possibility of a different technical solution, independent of the Hungarians. At the moment I do not wish to discuss details, but as early as next week we shall survey the terrain. We are simply taking measures which will enable us to make effective use of our considerable investment on the left bank of the Danube, even if the Hungarian attitude remains negative." (*Prace of 23rd August 89*)

FOREIGN ECONOMIC RELATIONS

BULGARIA

Romania: 18th session of joint commission The session of the inter-governmental commission for economic and scientific-technical co-operation ended in Sofia on 29th August. It noted that since the previous session a number of economic documents had been signed. A general scheme for specialisation and co-operation in transport machine building is already being fulfilled, as well as agreements for specialisation in hydraulics and pneumatics and for specialisation and mutual deliveries of electronic elements and textile machines.

Special attention was paid to future intensification of the integration processes in the chemical industry, the production of hoist and hauling capacities and electronics. Broader co-operation is envisaged in the sphere of power supply, metallurgy, agriculture, food, light timber and the timber processing industries, as well as in the scientific-technical sectors. Specific measures have been taken in connection with the fulfilment of barter obligations, mostly concerning non-deliveries.

An agreement was reached to intensify direct contacts between companies and enterprises of the two countries. The protocol on the proceedings was signed by Andrey Lukanov, Bulgarian Minister of Foreign Economic Relations, and Ion Radu, Romanian Deputy Premier. (*BTA in English 1539 gmt 29 Aug 89*)

CZECHOSLOVAKIA

Experimental hard-currency auction held in Prague An auction of a hard currency took place in the Czechoslovak Commercial Bank on 30th August. At such auctions Czechoslovak enterprises can buy foreign currency for crowns. Enterprises and organisations sent 190 applications to participate in the auction. The auction confirmed that demand

massively exceeds offers - roughly at the ratio of one to 42. One lot representing 10,000 hard currency crowns achieved Kcs 70,000. (*Prague 2030 gmt 30 Aug 89*)

A total of 34 Czechoslovak enterprises bought foreign exchange worth Kcs 5,650,000 at the first experimental auction. The purpose of such actions is to enable all enterprises operating in Czechoslovakia which need foreign currency for advantageous investment projects to buy it and, on the other hand, enable enterprises which possess foreign currency but cannot use it, to sell it.

Offers and demands by enterprises are collected by the banks. An auction committee session considers the offer and demand, and the chairman sets a starting price for one lot. If the offer and demand are not balanced in the first round, the price is raised. At the auction on the 30th the offer and demand were not balanced until the sixth round at a price of Kcs 70,000 for one lot, which means that Kcs 105 was paid for one US dollar. (*CTK in English 1238 gmt 31 Aug 89*)

China: 5th session of joint commission The fifth session of the joint commission for economic, commercial, scientific and technical co-operation ended in Prague on 24th August, when the protocol on the proceedings was signed by the heads of delegation, the Federal Deputy Premier Jaromir Obzina and Huang Yicheng, the Chinese Minister of Energy Resources. The development of relations was discussed and satisfaction was expressed at the fulfilment of the agreement on trade for last year. Exports and imports in 1989 are planned at a total value of 1,330 million Swiss francs. The commission expressed appreciation of the establishment of direct trade contacts between the Czech Socialist Republic and Jiangsu Province. (*CTK in English 1930 gmt 24 Aug 89*)

The Chinese delegation left Prague for home on 28th August. Huang Yicheng said before departure that the present policy of socialist construction and the open-door policy would be maintained in China.

According to Jaromir Obzina supplies of Chinese electronic consumer goods will be expanded by the end of this year. Proposals have been drawn up for using Chinese building capacities in housing construction in Czechoslovakia and the Chinese have expressed interest in Czechoslovak nuclear power production. (*CTK in English 1901 gmt 28 Aug 89*)

USA: Academy's natural soda conversion technology to be sold to Tenneco An agreement on the sale of a Czechoslovak technology of converting natural soda into material capable of removing harmful substances from the atmosphere was signed by representatives of the Czechoslovak Academy of Sciences and Tenneco USA in Prague on 28th August. The original method of producing active soda capable of eliminating sulphur dioxide and nitrogen oxides is the result of 15 years of research work by scientists from the Jaroslav Heyrovsky Institute of Physical Chemistry and Electrochemistry and the College of Chemical Technology in Prague. The possibilities of applying the method in Czechoslovakia are limited because of the country's shortage of the basic material. According to Bruce C. Baker, Vice-President of Tenneco, Czechoslovak method can be used both

A. ECONOMIC AND TECHNICAL

COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE

CONFERENCES

History of negotiations on Danube barrage project. (*Czechoslovak report*) Although the concept of a hydro-electric system on the river was born as early as in the 50s, it became a reality only on 16th September 1977, with the conclusion of a Czechoslovak-Hungarian agreement on building and operating it. Construction started on 30th June 1983 and on 6th February 1989 an agreement on speeding the work in order to complete it 15 months ahead plan was signed.

The work on the project has been severely affected by the Hungarian government's decision to suspend construction of the Nagymaros dam for two months, adopted at its extraordinary session on 13th May last. At the same time the Hungarian government instructed specialists to work out new ecological, seismological and geological expertise. The Czechoslovak government adopted its position on the problem on 15th May, describing Hungary's decision as both ungrounded and unjustified, both on the facts and according to international law.

These contradictory positions led to the meeting of the two Premiers, Ladislav Adamec and Miklos Nemeth, in Prague on 24th May, which resulted in an agreement on discussions between both countries' experts. The Hungarians were to complete by 13th June 1989 the analysis needed as a basis for talks. After the expert consultations on 17th-19th July, Ladislav Adamec and Miklos Nemeth held talks in Budapest on 20th July. The two Premiers agreed that all problems could be reviewed and concluded in joint discussions by the end of October. Their talks were followed by an extraordinary session of the Hungarian government.

A diplomatic note of 18th August confirmed the decision of the Czechoslovak government of 15th May to insist on the observance of the agreement and, at the same time, pointed to the damage caused to Czechoslovakia in consequence of the suspension of the work at Nagymaros, which was the reason for the demand for compensation.

During the talks between Pavel Hrivnak, Federal Deputy Premier and Slovak Premier, with the Hungarian Deputy Premier Peter Medgyessy in Bratislava on 9th September, the Czechoslovak position was clearly formulated: if the Hungarians do not continue the construction and if they further violate the agreement, Czechoslovakia will begin a technical solution exclusively on her own territory which would ensure the operation of the water power system at Gabčíkovo.

Discussions between Czechoslovak and Hungarian lawyers who dealt with the international and legal aspects of the problems connected with the building of the Danube project took place in Prague on 18-20th September. Experts on ecology held talks in Bratislava on 25-27th September.

The Deputy Premiers Pavel Hrivnak and Peter Medgyessy had talks in Budapest on 5th October; the agenda included the preparation for a meeting of the two countries' premiers. (*CTK in English 1332 gmt 11 Oct 89*)

Forestry: 18th specialist meeting The 18th meeting of leading forestry officials of the member countries was held in Ho Chi Minh City on 26th September; Phan Xuan Dot, the Vietnamese Minister of Forestry, presided. The participants discussed forestry management and measures for further promoting co-operation in this field in 1991-95 and afterwards. (*VNA in English 1536 gmt 27 Sep 89*)

Sea transport The third session of the 54th CMEA meeting which deals with the operation of maritime transport began in Havana on 19th September. It was attended by deputy ministers from the Soviet Union, GDR and Poland, and by directors of maritime transport organisations from other socialist countries. The agenda included a review of work done in 1988 and discussion of the main tasks of multilateral co-operation to be performed in 1991-95. The meeting which will also analyse Cuba's maritime transport will continue until the 22nd. It was opened by Hugo Vivar Castillo, secretary-general of the Cuban merchant marine and port workers' union. (*Cuban TV 1700 gmt 19 Sep 89*)

FOREIGN ECONOMIC RELATIONS

BULGARIA

Plovdiv Autumn Fair The 45th International Technical Fair was opened by Todor Zhivkov, the President of the State Council, on 25th September; 2,420 companies and organisations were represented, including foreign exhibitors from 29 countries. (*BTA in English 1321 gmt 25 Sep 89*)

Contracts included:

Iran: On 28th September an Iranian delegation, headed by Mohammad Hadi Nezhad-Hoseyniyan, the Iranian Minister of Heavy Industry, discussed economic relations with representatives of Bulgarian business circles; Andrey Lukanov, the Minister of Foreign Economic Relations, was present. On the following day after a final plenary session, the two ministers signed a protocol on the agreements reached. The Sofia Commercial Bank concluded an agreement with the Idro engineering organisation of Iran and with the Tejerat Bank. According to the Iranian minister, agreement was reached on several joint projects, the technical details of which require further decisions, including joint production of a new luxury bus intended for export to international markets. (*BTA in English 1843 gmt 28 Sep and 1840 gmt 30 Sep 89*)

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Czechoslovak-Hungarian negotiations on Danube barrage project (*Czechoslovak report*) The talks on 11th October between the Czechoslovak and Hungarian Premiers Ladislav Adamec and Miklos Nemeth produced no definite decision on the issue of continuing construction of the Gabčíkovo-Nagymaros project. According to Vladimír Lokvenc, the Federal and Slovak Government commissioner for construction and operation of the barrage, the latest postponement has been made at the request of the Hungarians. Our scientists have found no serious scientific reasons to prevent the successful completion of the joint project and therefore the Czechoslovak government's position of principle that the Hungarians must adhere to all their obligations under the agreement cannot be called into question. "It must be realised that we have calculated the losses incurred by loss of use for one year as totalling Kcs 2,200 million. I think that anyone with a technical, economic and, if I may say so, a patriotic disposition too, must surely think about ways of reducing these losses. My own conviction is that if we are unable to thrash out an agreement by 31st October, then on 1st November we ought to begin work on our solution on our sovereign territory." (*Prague home service 1730 gmt 12 Oct 89*)

(*Hungarian report*) Shortly after the talks held by the Hungarian Premier in Czechoslovakia it appears that a change might be taking place in Prague regarding Gabčíkovo-Nagymaros. Within two days, two statements contradicting each another, one concessionary and one tougher, have been made in Prague. The Czechoslovak government spokesman has now said it that it is conceivable that they might accept a modification of the 1977 agreement, but only if agreement is reached on compensation. Miroslav Pavel emphasises that several tens of milliards of crowns has been invested in building and 4,000 ha of agricultural land set aside for the project.

The other statement came from Secretary-General Jakes who said at a session of the Central Committee that they by all means insisted on abiding by the original agreement and in the opposite case, Hungary must pay compensation. Let us recall that at the outset they spoke of Kcs 27,000 million and later they mentioned 50,000 million.

Czechoslovakia's plan is to divert the Danube and to rechannel the water into the reservoir so that the first turbines can begin operation at Gabčíkovo. The chairman of the Bratislava Environmental Association has told the press that independent experts should also be drawn into the

investigation and that he is pleased that the final decision has been delayed by two weeks. (*Budapest home service 2100 gmt 13 Oct 89*)

Concern of Austrian business community over Danube barrage (*Czechoslovak report*) The unilateral decision by the Hungarians to halt construction of the Nagymaros part of the barrage continues to greatly worry the Austrian enterprises which have a joint interest in its construction and completion, as they are involved through their production programmes, financial capital and employment of their workers. The supplies, construction work and technical equipment contracted represent the value of 5,600 million schillings, but the total loss to Austria if the contract falls through is assessed in Vienna today at over 10,000 million schillings.

The well-known Austrian firm of Voith would be the most affected. It has drawn up projects, developed and produced three high-performance Kaplan turbines valued at 500,000,000 schilling specifically for the Nagymaros barrage. Its director-general said on 13th October: "I hoped all along that this financial situation, which was very unfavourable for us, would be improved for us in the end through some modified alternative of the completion of the whole hydroelectric system. Nevertheless, after yesterday's meeting between our Chancellor Vranitzky with the Hungarian Premier, the whole question has been changed - to be more exact, it has been changed in a way which affects our supply contract negatively. I am convinced that there are several reasons why this hydroelectric system should be completed in its entirety. According to our view in Austria, the hydroelectric system is both technically and financially designed in a new and model way. This represents its significance for the world as a whole, because it could be used for building various other hydroelectric stations abroad. That is why it is a pity that Hungary has taken a different decision. Secondly, we shall lose an opportunity to gain valuable information and data literally of world importance. At the same time we do not hide the fact that this construction project has provided work for the Austrian construction, engineering and electrical engineering industries." (*Czechoslovak TV 1830 gmt 13 Oct 89*)

CMEA-EC conference on development of mutual relations The conference, held in Moscow on 14th and 15th October, was attended by heads of the CMEA Executive Council and Secretariat, Soviet ministries and departments, representatives of the commissions of the European Community, the European Parliament, other international organisations, major Western firms, and Soviet and foreign scholars.

Opening the proceedings, Vyacheslav Sychev, the Secretary of the CMEA, noted that the current stage of relations was special for both Organisations which were undergoing a period of radical reforms, intended to take them to a qualitatively new stage of integration. While facing similar problems of integration, however, they are at different stages in the

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Co-operation with Finland: 17th session of committee The 17th session of the committee for co-operation between the member countries and Finland took place in Sofia on 15th and 16th November. The Finnish delegation was headed by Kalervo Hentilä, director-general of the Ministry of Trade and Industry. The participants expressed the desire to improve the efficiency of the committee's work by replacing outdated forms of its proceedings by new style and the latest methods. *(BTA in English 0711 and 1835 gmt 16 Nov 89)*

Patents and inventions: 2nd session of bureau and Cuban bilateral agreements The second session of the CMEA Bureau for Patents and Inventions has concluded with the signing of a final protocol which envisages a plan to aid Cuba in her accelerated development through scientific and technical co-operation in the period until 1995.

During the three-day meeting, held in Havana, Cuba concluded bilateral agreements on patents with the GDR, Mongolia and the Soviet Union. *(Havana home service 1200 gmt 11 Nov 89)*

CO-OPERATION

beginning of Czechoslovak work on new shipping channel on Danube near Gabčíkovo In connection with the Hungarian decision to interrupt work on Gabčíkovo water project and not dam the river at Dunakiliti, Czechoslovakia has been forced to apply a temporary solution as a substitute. The position for a new right-bank dam for a new navigation channel began to be marked out on 13th November. This is only a temporary project, but great attention is being paid to ecology. The level of the Dunakiliti-Hrusov reservoir will be two metres lower, which means less infiltration into underground waters. *(Prague 1730 gmt 13 Nov 89)*

FOREIGN ECONOMIC RELATIONS

ALBANIA

Italy: agreement on co-operation An agreement on economic, industrial and technical co-operation was signed in Tirana on 8th November by the two Ministers of Foreign Trade, Shane Korbeci and Renato Rugiero. It envisages co-operation in mineral production and processing, the chemical, light and food industries, engineering and agriculture. *(ATA in English 0730 gmt 9 Nov 89)*

BULGARIA

Cuba: agreement on goods exchange for 1990 The agreement which was concluded on 9th November provides for goods worth a total of R 330,000,000 to be exchanged next year. Exports to Cuba will include products of the electronics and light industries, food, hoisting and handling equipment, metal-cutting machinery, chemicals and pharmaceuticals. Cuban raw sugar and molasses, fresh citrus fruit, nickel and articles for the electronics industry will be imported. *(BTA in English 2014 gmt 10 Nov 89)*

CZECHOSLOVAKIA

New functions for State Bank On 20th November Svatopluk Potac, the chairman of the bank, told the press in Prague that it would promote the policy of opening the federal economy to the world. New legislation, approved by the Federal Assembly on the 15th, had created the institutional basis for developing the function of money and enabling the means of value to play an active role in the conditions of restructuring the country's economic mechanism.

Potac delat in detail with the effect of the new law on the bank's ability to regulate economic processes within the country and spoke of Czechoslovakia's debt which was expected to remain at about 6,900 million dollars. Foreign credits would be granted only on machinery and equipment which could ensure a return in convertible currency and on the development of joint ventures.

Dealing with the possibility of Czechoslovakia's entry into the International Monetary Fund, he stressed that after the first consultations it could be said that there was no obstacle to it. Obtaining credit was not of priority significance, but it was not negligible, either. As an industrially advanced state Czechoslovakia should share in the activities of the organisation.

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CO-OPERATION

Investigation of accident at Gabčíkovo dam on Danube According to Laszlo Udvari, the Hungarian government commissioner, Hungarian specialists will take part in the investigation at the site on 13th December. In the accident which happened over a week ago water and sediment burst into the lock chamber and carried away structural components (*MTI in English 2001 gmt 12 Dec 89*). The investigating commission met on the 14th. According to Frantisek Lahoda, its chairman, both of the navigation chambers were put back into operation on that day and the reasons for the accident should be known shortly. Work on the project at Gabčíkovo will continue until instructions to the contrary are received. In Lahoda's opinion it should be completed, as the economy is already counting on the power to be generated and, if construction is stopped, a thermal power station will have to be built; this would mean further expense and more pollution (*Bratislava 1130 gmt 14 Dec 89*).

Czechoslovak acceptance of Hungarian undertaking on continuation of work at Dunakiliti On 15th December Ivan Vesely, the Minister of Forestry, Water Conservancy and Wood-Processing Industry, said in Bratislava that Czechoslovakia had accepted the Hungarian statement that, in return for alterations in the agreement and acceptance of the agreement on ecological guarantees, they would immediately continue the damming of the Danube near Dunakiliti. Since 15th December preparatory work on the modified version of the Hrusov-Dunakiliti part of the project had been suspended to show Czechoslovakia's willingness to complete the Gabčíkovo-Nagyymaros system jointly. (*CTK in English 2154 gmt 15 Dec 89*)

FOREIGN ECONOMIC RELATIONS

BULGARIA

Cambodia: 5th session of joint commission The fifth session of the joint commission for economic, scientific and technical co-operation ended in Sofia on 14th December. The protocol on the proceedings was signed by Ivan Gruev, the chairman of the forestry and wood-processing industrial association, and Thang Saram, the Cambodian Minister of Foreign and Home Trade. It envisages co-operation in

production of tobacco and timber, and in wood-processing. Training of Cambodian specialists will be continued. (*BTA in English 1300 gmt 14 Dec 89*)

CZECHOSLOVAKIA

Cambodia: agreement on exchange of goods for 1990 The agreement which was concluded in Prague on 18th December provides for exports to Cambodia worth R 1,400,000 and imports from there worth 1,800,000; the excess of imports creates a prerequisite for covering the credit granted to Cambodia. The exports to that country will consist mainly of cord fabrics, diesel sets, chemical raw materials and fabrics; Cambodian rubber, timber and soya beans will be imported. (*CTK in English 1427 gmt 18 Dec 89*)

USSR agreement on goods exchange for 1990 A working meeting of the co-chairman of the joint commission for economic, scientific and technical co-operation has been held in Prague. The Soviet delegation was headed by V.V. Nikitin, first deputy chairman of the USSR Council of Ministers, and the Czechoslovak by Jaromir Obzina, Federal Deputy Premier. An agreement on the exchange of goods for next year (*'Izvestiya' of 2 Dec 89*)

FINLAND

Nepal: Waertsilae to supply diesel power station The Waertsilae Diesel company is to supply the station which will be paid for from development co-operation funds. The turnkey contract which is worth about FM 75,000,000 provides for training of operating personnel. (*Helsinki home service 1030 gmt 14 Dec 89*)

Sweden: medium-term contract for supply of iron concentrate to Rautaruukki company from LKAB Rautaruukki has concluded a five-year contract worth over FM 1,000 million to buy almost 10,000,000 t of concentrate which will be delivered to its Raabe works; this will secure its supply during the period. The concentrate will come from LKAB's mine at Malmberget. (*Helsinki home service 0900 and 1030 gmt 13 Dec 89*)

GERMAN DEMOCRATIC REPUBLIC

China: agreement on exchange of goods for 1990 Gerhard Beil, the Minister of Foreign Trade, and Li Lanqing, Chinese Deputy Minister of Foreign Economic Relations, signed the agreement in Berlin on 13th December. It provides for the export to China next year of tractors, lorries, machine tools and machinery for housing and road construction. Chinese garments will make up most of the imports and maize, rice, soya beans, chemicals and metallic

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ecological projects. The protection and improvement of the environment is not a cheap matter. The consistent removal of today's exceptions from ecological norms will inevitably increase the cost of production and prices, and if we are now, precisely now, joining the international treaty on the protection of the ozone layer, we are doing this with the knowledge that its implementation will cost us thousands of millions of crowns which we have to get from somewhere. In the past six months, a social consensus was achieved on the fact that the protection of the environment is the number one priority. From this, however, proceeds the need to give means above all to this sector.

The government will make the environment issue one of the priorities of its foreign policy, because without international ecological co-operation not only is it not possible to enter into European integration, but it is not possible to fulfil the set goals either.

We have halted the construction of the Stonava coking plant. During mutual talks with Hungary we shall strive for the solution of the problem of the Gabčíkovo water project which has cost us more than Kcs 14,000 million. We have to reckon with great expenses in connection with the introduction of ecological norms corresponding to the strict standard of the European Community countries.

Esteemed deputies, from the number of analyses carried out in recent times, the long-term stagnation of our economy and its deepening lagging behind advanced states are apparent. The previous government of national understanding already drew conclusions from this alarming fact and laid foundations for an entirely new economic strategy. We have decided to continue, elaborate on it and implement it enthusiastically. Our aim is to achieve a radical change in the method of management. The only way towards this goal is the general democratisation of society and liberalisation of the economy linked with the introduction of a market economy.

A considerable part of economic decisions will be transferred from the state to enterprises which will bear direct property responsibility for them. In the government's view, a permanent creation of a competitive environment, liberalisation of prices and foreign trade, linked with the introduction of internal convertibility of the crown, privatisation of a considerable part of the existing state sector of the economy and the development of private economy, are key steps of the economic reform. By its economic policy the federal government will strive to the maximum possible extent to limit inflation, unemployment and foreign debt.

The liberalisation of prices envisages the removal of all obstacles which prevent the free creation of prices on the basis of the movement in supply and demand on the market. These obstacles used to be found and are still found above all in the administrative fixing of most prices and in the monopolisation of the economy, created for a long time and intentionally strengthened.

The past government already took some steps towards the liberalisation of prices. The removal of existing obvious deformations of retail prices, linked with the removal of a considerable part of subsidies of basic foods, has started.

In a week's time a government measure adopted by the government of national understanding, amending retail prices

of foodstuffs by removing state subsidies, will come into force. The new federal government dealt with this measure at its session on 2nd July and arrived at the conclusion that this is an unavoidable step on the way towards the implementation of the economic reform. These measures are too harsh for diabetic citizens. Because diabetics are vitally dependent only on certain types of foodstuffs, the government has decided to adopt such measures at its next session for compensatory supplements for diabetics to be increased considerably and backdated payments made to them. The government will examine from which sources means can be allocated for this or whether it would be just to give this supplement to all groups regardless.

When the government stresses the necessity of price liberalisation, it links this process with the creation of a competitive environment for the creation of which it will strive energetically. It will do this on the basis of supporting the private sector and demonopolisation of our economy and also by relaxing foreign trade.

By relaxing imports and exports the government will create a truly challenging economic environment for enterprises and for the first time it will stand consistently on the side of consumers and customers. It will break up the present diktat of home manufacturers. The opening of the foreign trade relations is, above all in the initial period, one of the main ways of replacing the collapsing system of supplier-consumer relations.

In order to strengthen competition and relax foreign trade it will be necessary to remove the present - mostly administrative - regulation of hard currency management. The government will therefore take a fundamental step on the way towards the full convertibility of our crown and from 1991 will introduce a system of so-called internal convertibility of the crown towards freely convertible currencies. The existing system of hard currency norms will be abolished.

Enterprises will sell their hard currency incomes to banks at market exchange rates and at the same time they will have the right to buy convertible currency at these rates for their foreign payments. Because of the present hard currency imbalance, in the first stage, above all, certain regulatory measures will be in operation which will restrict the demand for convertible currencies and will prevent pressure on the growth of debts.

The government will be looking for ways, in the shortest possible time, to enable individual citizens too to gain free access to convertible currencies. The government's policy in the utilisation of foreign sources will be an important part of the reform process too.

Our trade with the outside world is balanced, we have the reputation abroad of a reliable partner. The overall state of our indebtedness during the course of the first months of this year remains basically unchanged; the gross debt is in the range of 7,000-8,000 million dollars.

In connection with the implementation of the individual phases of the reform process, it will be necessary to create a safety convertible currency reserve so that we are insured against possible swings in economic development. Above all we rely on co-operation with the International Monetary Fund and with the World Bank of which we wish to become

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Power Europe

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BODY:

Czechoslovak energy officials have confirmed that the hydro power complex on the Danube at Gabcikovo will go into service in 1991. Earlier the government slowed work on the project due to cost overruns and Hungary's decision to suspend the Nagymaros project, to which Gabcikovo is technically linked in terms of water flow. Operating the Gabcikovo complex without the Nagymaros project means that the Czechoslovak dam will have to take about a 50% cut in output. Gabcikovo has been built on the basis of eight turbines, each with a capacity of 90 MW. The project was originally designed to provide peak load, as well as baseload, power. But if the Nagymaros dam is not completed, Gabcikovo will probably be limited to baseload supply, as operating to meet sudden

Press Alt-H for Help or Alt-Q to Quit.

1990 Power Europe, September 27, 1990

surges in demand could cause flooding.

However, Czechoslovak officials have pursued their original project design, allowing for a return to the former plans at a later date if the Hungarians change their mind on Nagymaros.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: October 10, 1990

and restoration of Moravia and Silesia were purely the affair of the movement he represented and expressed the conviction that the overwhelming majority of the population of this area shared this opinion.

Jan Kalvoda, Civic Forum deputy, said that the demand for Moravia's self-government was a step back, against the trend towards the integration of Europe. (CTK in English 1557 gmt 3 Feb 91)

[9]

PAV Chairman on CDM programme and Moravian-Silesian autonomy Public Against Violence (PAV) Coordinating Centre Chairman Fedor Gal said at a press meeting in Bratislava on 4th February that he had not been acquainted with any alternative economic programme of the Christian Democratic Movement (CDM). He was referring to a statement by CDM representatives at a meeting with President Vaclav Havel in Bratislava on 30th January that CDM was preparing a programme differing from Finance Minister Vaclav Klaus' ideas.

It is not quite clear how to comply with a justified demand of the citizens in Moravia and Silesia for greater autonomy, he said, referring to the problem of the autonomy of these regions. The stand of the Slovak side is that the will of the people of Moravia and Silesia is of primary importance, he said, and added that ideas on a possible tripartite federation are only hypothetical. (CTK in English 1349 gmt 4 Feb 91)

[10]

Federal Environment Committee draws up state ecology policy programme Minister Josef Vavrousek, Chairman of the Federal Committee for the Environment, met representatives of the Green Circle Association on 4th February. He stressed that his committee, together with the republican environment ministries, had prepared a state ecology policy programme dealing mainly with the selection of problems demanding priority tackling and the elimination of the causes of environmental pollution. The participants expressed the view that the Moldan case had become a convenient pretext for a frontal attack on the positions that had been achieved in the area of the environment and that ecology was now of marginal interest to both people and governments. (Prague home service 0500 gmt 5 Feb 91)

[11]

Slovak Premier complains of Federal Ministry obstruction of visit to Germany (Text) In an interview for today's [4th February] edition of the Slovak daily 'Narodna Obroda', Vladimir Meciar, Premier of the Slovak government, stated that the Czechoslovak Ministry of Foreign Affairs refused a request to organise a meeting between him and the German statesman Hans Dietrich Genscher. According to the paper, it is even alleged that there were attempts to stop this meeting. Egon Lansky, spokesman of the Ministry of Foreign Affairs, expressed surprise at the comment by Premier Meciar. He emphasised that both the relevant departments of the Ministry and the Embassy in Bonn played a considerable part in ensuring the successful nature of the visit by the Slovak delegation in Germany. The Embassy also took part in securing a reception by Hans Dietrich Genscher, and Foreign

Minister Jiri Dienstbier had personally recommended this reception.

I can only imagine that Premier Meciar was perhaps not correctly informed about everything, Foreign Ministry Spokesman Egon Lansky said. (Prague home service 2100 gmt 4 Feb 91)

[12]

Slovak government approves completion of Gabčikovo-Nagymaros (Text) On 17th January the Slovak government approved further progress in the construction of the Gabčikovo-Nagymaros water project if the Hungarian government does not continue with work on this project according to the valid inter-state agreement. The supply and planning organisations participating in the construction of Gabčikovo stated after discussing the proposed solution that they would be able to complete the water project in such a way as to ensure that it would serve its purpose during the first half of the next year. Among other things, this will improve the production of electrical energy with a present economic yield of about Kcs 2bn a year. Such action could also solve the problem of the immediate return of investment made. (Prague home service 1500 gmt 4 Feb 91)

[13]

Investigation into August 1968 invasion continues According to Deputy General Prosecutor Lubomir Veleta, investigations of the Soviet-led invasion of Czechoslovakia in August 1968 are still continuing. The act constituting the offence of violating peace has not yet been clearly proved against specific persons, Veleta said. A Federal Interior Ministry team, together with some foreign criminal experts, are investigating documents provided by Poland. At present it is impossible to fix a date when the investigations of the occupation of Czechoslovakia by the five Warsaw Treaty member states might end, Veleta concluded. (CTK in English 1319 gmt 4 Feb 91)

[14]

Proposal for closer supervision of Federal Information Service A proposal for closer supervision of the Czechoslovak Federal Information Service (FIS) was discussed by the authors of the proposal and the FIS supervisory commission with Federal Interior Minister Jan Langos and FIS Director Jiri Novomy in Prague on 4th February. The supervisory commission, comprising eight members of the Federal parliament's committees on defence and security, was established by parliament in September 1990. The commission will continue to function until a new law on the FIS takes effect. This new law is expected to be passed at the next joint session of parliament at the beginning of March. We agreed on the extent to which deputies may penetrate the work of FIS without being obliged to secrecy, in order to protect state secrets, Langos said, commenting on the meeting which was closed to the media. (CTK in English 2200 gmt 4 Feb 91)

[15]

Christian Democratic Party on rehabilitation and media monopoly (Text) At the beginning of today's press conference with the Christian Democratic Party, a statement was made which says among other things:

a. 1 Vietnam. All three delegations confirmed full support for the UN resolution on the Gulf War, Calfa added.

...

(ii) President Vaclav Havel said in Prague on his return from Hungary that the summit participants did not intend to set up a new security alliance or cordon sanitaire after the disintegration of the Warsaw Treaty. Poland, Hungary and Czechoslovakia want to integrate into Europe as its legitimate parts; they only wanted to co-ordinate their steps and in their bilateral agreements mention the security dimension only at the level of exchanging information, consultations and perhaps they will consider the possibility of aid.

Referring to the Pentagonal Group, the President said that it seemed at present that most of the group's members would have no objections to the admission of Poland, which in the past had shown certain disappointment at not having been admitted.

Vaclav Havel and Federal Premier Marian Calfa returned to Prague from the tripartite summit, while the third member of the Czechoslovak delegation, Foreign Minister Jiri Dienstbier, will leave Budapest for Turkey.

[6]

CZECHOSLOVAK PRESIDENT ON SECURITY CO-OPERATION AND NAGYMAROS BARRAGE

Hungarian TV 2110 gmt 15 Feb 91

Text of interview with Vaclav Havel in the "Panorama" programme

[Question] Mr President, you have been well known to the Hungarian audience for a long time because you have appeared on "Panorama" several times already. What is your view of the relationship between Czechoslovakia, Poland and Hungary from now on?

[Havel, recording in Czech with Hungarian translation superimposed] I am very glad that this meeting has taken place. I am convinced that it is the new foundation stone of this trilateral co-operation. We began to lay this last year in Bratislava at a smaller, spontaneous meeting which aimed to inform. Already there we laid the smallest of foundation stones - even then we felt that co-operation and co-ordination between the three countries was necessary. From the point of view of both international and domestic politics the three countries are in a new situation and face several similar problems. It is the interest of all of us to help each other and to co-ordinate our actions.

[Q] To what extent will this be better (than CMEA)?

[A] It has to be better under any circumstances, because we are building a market economy, and a central command economy which stipulated who should produce what and for whom is completely unacceptable to all the three economies. We would like to build up our economic relations in a really healthy manner.

[Q] What will happen to military co-operation? For we know that the Warsaw Treaty will cease within a few weeks.

[A] This, too, was raised. We are preparing bilateral agreements between all the three countries involved. We also

spoke about the paragraph regarding security also featuring in these agreements. In this regard we would formulate something like this - that in case of an external threat, the three countries would consult each other or that we could possibly examine the possibility of mutual assistance or something similar.

[Q] Would Czechoslovakia like to join NATO?

[A] It is not as simple as that. First it would be necessary to know whether NATO would accept us. Secondly, to join NATO is a process lasting several years. The entire military arsenal must be changed to adjust to the new one. Still, we feel - just as the Hungarians or the Poles - that we must maintain good relations with NATO. Now NATO is the only efficient and proven democratic alliance in Europe.

[Q] Is some kind of new organisation going to evolve in place of the Warsaw Treaty which would then hold these countries together?

[A] We are glad that the long period during which Europe was broken into military blocs facing each other has ended. We are glad that we have removed the wall which separated us, the Iron Curtain. We would not by any means like to return to a similar set-up by forming another alliance of our own, for then two pacts facing each other or at least two different pacts would exist again. We are building democracy. The NATO members or the whole of Europe, non-aligned countries and democratic countries - all of us together form a European community. I can see no reason for forming more military alliances independent of one another. We would rather seek solutions for all-European integration, including security.

[A] As you know, Hungary has had serious conflicts with Slovakia in the past because of the situation of the Hungarian nationality. Mr Meciar last week visited Budapest. It appears that now the situation has improved somewhat. How do you in Prague see the situation of the Hungarian nationality in Slovakia and the Slovak nationality in Hungary?

[A] Both the Federal leaders as well as the leaders of the two Republics are naturally glad when some progress is made in this issue. It appears that the visit of Mr Meciar and Mr Mikloske has helped to clarify the concepts, to clear the air to some extent. This is in the interest of all of us. The national and national minority problems have been taboo for decades; they could not be made public. Now it is we who are forced to reap the seeds sown by the previous era - that is, it is now that we have to wrestle with the problems coming at us from all directions. Still, it is my firm conviction that our countries are moving towards a common society - a society in which everybody is equal. We are building a society such as those in Western countries. These are teething problems which we have to go through but from which I hope we shall quickly recover.

[Q] The other problem is Boes-Nagymaros. When you, Mr President, were still living in illegality you opposed the dam. What is the stance now?

[A] I have always considered this dam as a kind of totalitarian, gigomaniac monument which is against nature. In other words, I have not been a friend of Boes-Nagymaros. Nor am I its fan after having been elected President. Still, the power station stands, and now the question is what its fate should be. This has not yet been resolved. Czechoslovakia is inclined to think that since it has been built, it should be

operated at least partially. It should work as a power station, but its environmentally destructive and other effects should be limited as far as is possible.

Still, as I said, no decision has yet been made once and for all. It still depends on the outcome of several expert negotiations and committee opinions.

[Q] If you could, as an ordinary person, decide whether it should be put fully into operation, what would you answer?

[A] The problem is that it has already been built. If there was nothing there yet and somebody asked me whether I would build it or not, I would say no. The problem is that it has already been built.

[Q] What do you think, how can these problems be solved, once and for all?

[A] In this matter it is the experts who must decide, and the experts - at least the experts of Czechoslovakia, including the environmental protectionists who can hardly be accused of anti-environmental interests - consider it conceivable that the Boes power station - that is, without Nagymaros - could be tested as an independent hydro power station, with the proviso that we should constantly monitor its environmental effects. I would really not be happy to take a unequivocal stance on this issue. It is a very complicated technical problem which also has environmental, economic and financial aspects.

The demolition of the already constructed power station would perhaps cost twice as much as its erection. I think that the part which has already been built has cost Kcs 15bn, whereas demolition would cost 30bn. This is not a negligible aspect either, because our countries are poor. It is a complicated issue in which completely impartial experts must decide.

OTHER REPORTS ON VISEGRAD SUMMIT

[7] Hungarian President receives Polish and Czechoslovak counterparts Hungarian President Arpad Goencz received Polish President Lech Walesa and Czechoslovak President Vaclav Havel at his residence in Budapest on 14th February. The two heads of state arrived in Hungary for the tripartite summit in Visegrad the following day. The first to visit President Goencz were Lech Walesa and his wife, Danuta. The Polish President was accompanied by his Prime Minister, Jan Krzysztof Bielecki, and Foreign Minister, Krzysztof Skubiszewski. Following the talks, which lasted an hour, President Goencz summed up his impressions for MTT. He said he had made the acquaintance of a man of informal manners in the person of Walesa, whom he met for the first time: "Walesa is an open politician, ready for all kinds of co-operation." The documents for the summit are prepared and only remain to be signed. It will be the politicians' task to work out the details for the implementation of the agreements. The presidential talks were thus mainly political gestures. However, they provided opportunities for the clarification of some international issues. First of all, the Presidents discussed the situation in the Central European region. According to President Goencz, the value of the region between Western Europe and the Soviet Union will increase in the near future.

In this situation, it is natural to develop regional ties. President Walesa agreed, adding that the region can gain a lot from this situation. He stressed that information channels between the three countries should be developed soon.

President Havel, who visited Goencz late the same evening, was of a similar opinion. Havel was accompanied by Prime Minister Marian Calfa. The friendliness of the atmosphere of the talks was emphasised by the fact that there were three outstanding writers at the table; apart from Goencz and Havel, the Hungarian President of the international PEN club, Gyoergy Konrad, also attended the talks. (MTI in English 2133 gmt 14 Feb 91)

[8] Polish Premier comments on Visegrad summit (Excerpts) [Presenter] The meeting in Visegrad has ended. Our reporter asked the Premier to sum up the deliberations of the three while he was still on the plane. [Bielecki, recording] This was a very pleasant meeting, because we returned to a tradition of long ago, to a former tradition. And this shows that these certain, natural ties exist and that in the particularly difficult situation in which we currently find ourselves - both on account of the necessity to reconstruct this economy and also on account of the developing political situation - this seeking of ties, this seeking of a regional integration as well, is important and necessary. And I think that this is relevant from the point of view of the countries of the EC, because they are looking at us also from this point of view, as potential members... They are looking at whether we can come to understandings among ourselves in this, so to speak, micro-region... (Polish TV 2113 gmt 15 Feb 91)

MOLDAVIAN PRESIDENT IN ROMANIA

[9] *Rompres in English* (i) 1223 gmt 13 Feb and (ii) 1836 gmt 14 Feb 91

(i) Agency text of communique (EE/0997 A2/1)

The Press Department of Romania's Presidency has released a communique which reads:

Mr Mircea Snegur, President of the SSR of Moldova, pays a visit to Romania as guest of Romania's President, Mr Ion Iliescu. The President of the SSR of Moldova had interviews and talks with Romania's President, Mr Ion Iliescu, with the Romanian Prime Minister, Mr Petre Roman, with Messrs Alexandra Birladeanu and Dan Martian, President and Speaker of the two chambers of the parliament. The talks were attended by the two countries' Foreign Ministers, Messrs Nicolae Tau and Adrian Nastase. Likewise, Mr Mircea Snegur made an address to the two chambers of Romania's parliament in a joint session.

It was assessed during the meetings that the Romanian visit of the Moldovan President was a significant moment in the setting up of the new relations between Romania and the SSR of Moldova, in the context of the current political and economic transformations in each of the two countries. The parties informed each other on the evolution of the political and economic processes in the two countries and the efforts

4 Apr 91

EE/1037 A2/2

SWk

European contribution to its normal running, or keeping the refugee flood under control?

[Markus] I do not believe that there will be much delay and a positive attitude towards Hungary is appearing, with certain material help too...

IN BRIEF

[3]

Last representatives of WTO military structure leave Moscow Gen Michal Gondek, the last Czechoslovak representative to the Warsaw Treaty organisation, left Moscow on 28th March, in accordance with the agreement on winding up the military structures of the Warsaw Treaty (*Prague radio 1730 gmt 28 Mar 91*). Maj-Gen Kostadinov of the Bulgarian People's Army, Bulgaria's permanent representative at the Warsaw Treaty Organisation, left Moscow on 30th March. He renounced his authorised powers at a meeting with Army General Petr Lushev, C-in-C of the Warsaw Pact Joint Armed Forces, and Army General Vladimir Lobov, Warsaw Pact Chief of Staff (*Sofia home service 1600 gmt 30 Mar 91*).

[4]

Albanian citizens continuing to cross illegally into Yugoslavia (*Excerpt*) Some 20 people have crossed the Yugoslav-Albanian border near the town of Debar in the past 24 hours. In last three days, 130, mostly ethnic Macedonians, crossed the border near Debar. The Yugoslav authorities have been detaining them for 24 hours, following which they hand them over to Albanian borderguards at the Blato crossing. Among the latest wave of refugees are those who have already crossed into Yugoslavia and have been handed back. They, as before, call for free border crossings between two countries... (*Tanjug in Serbo-Croat 1327 gmt 29 Mar 91*)

(*Excerpt*) Two hundred Albanians, mainly young people, crossed the Albanian-Yugoslav border at Blato near Debar this morning [30th March]. The Albanians who crossed the border said that another 1,000 or so people were gathered on the Albanian side, but that they could not reach the Yugoslav side because of strong police and military forces. Amongst those who arrived in Yugoslavia, there were many who said they were former political prisoners and some of them said that they had crossed the border illegally several times... (*Tanjug in Serbo-Croat 1539 gmt 30 Mar 91*)

[5]

Bulgarian opposition protests at Soviet statement about trials (*Excerpt*) Bulgaria's most influential opposition coalition, the Union of Democratic Forces (UDF), protested the Soviet Foreign Ministry statement released yesterday which described the trials of former party and state chiefs in the East European ex-Socialist countries as "persecution of non-conformists." The statement was considered today [29th March] at a special meeting of the UDF Co-ordinating Council. UDF spokesman Mikhail Nedelchev said that the Co-ordinating Council considers the Soviet Foreign Ministry's statement as interference in Bulgaria's internal affairs.

"Furthermore, this is a cynical insult to the feelings of millions of Bulgarians who expect the Law to give them moral

remedy for their ruined lives in the decades of Communist dictatorship, for the suffering, privations and humiliations," the UDF spokesman's special statement emphasises. It says that besides Erich Honecker, "Kremlin's occupants would gladly harbour in Moscow other loyal vassals who know too much about the constant brutal interference in the life of the "brother nations" in the so-called "socialist camp." The UDF sides with the struggle of the democratic Russia opposition political forces against attempts by the USSR central government to settle inter-republican and interstate problems by brute force. The UDF hopes that the truly democratic parties ruling the individual republics will soon become its partners in a fruitful international co-operation... (*BTA in English 1515 gmt 29 Mar 91*)

[6]

Former Bulgarian Interior Minister denies approaching KGB over Georgi Markov (*Excerpt*) ...Today's [29th March] 'Duma' quotes former Minister of the Interior Dimitur Stoyanov as denying the allegation contained in Kalugin's interview for Radio Liberty. Mr Stoyanov insists that he never approached Andropov and Kryuchkov, the incumbent KGB chief, about KGB help for Markov's elimination. (*BTA in English 1515 gmt 29 Mar 91*)

[7]

Bulgaria abolishes compulsory currency exchange for CSFR citizens Bulgaria has abolished the compulsory minimum exchange of convertible currency for Czechoslovak citizens visiting or travelling through Bulgaria, the Ministry of Foreign Affairs has announced. (*Branislava 1630 gmt 2 Apr 91*)

[8]

Slovaks deny Hungarian reports that Gabčíkovo canal work has started (*Excerpt*) In Slovakia the construction of the so-called "version C" of the Boes [Gabcikovo] power station has begun, without Hungarian agreement. In this plan, the waters of the Danube will be redirected to Slovak territory by means of a dam and will operate the turbines of the Gabčíkovo power station... (*Budapest home service 1600 gmt 2 April 91*)

(*Text*) [Presenter] Without the agreement of their Hungarian partner, the waters of the Danube will not be diverted to Slovak territory to operate the turbines of the Boes [Gabcikovo] power station. This is what our reporter Evelyn Forro heard this evening [2nd April] from authoritative Slovak Government circles.

[Forro] A Deputy Minister of the Ministry of Forestry and Water Economy said that the work will not begin until they have had discussions with their Hungarian partner. According to preliminary plans Ferenc Mazuk [phonetic], responsible for the Gabčíkovo water barrage, and V Meciar, Slovak Head of Government, will be meeting in the second half of this month. The Slovak Deputy Minister, who today happened to be having discussions with the Hungarians, did not, however, deny that preparations are in hand for diverting the water of the Danube to Slovak territory but he gave no further details. One of those attending the discussions told Magyar Radio that the Secretariat of Ferenc Mazuk had already made inquiries about the matter earlier, and the Slovaks had informed the

[5] Slovak leaders deny plans to divert Danube (Excerpt) ...The Slovak Prime Minister, in today's [5th April] issue of 'Narodna Obroda', has commented on the construction of the Boes water barrage. He stated that they had done no work whatsoever, that they had not begun the construction of the canal which would divert the Danube onto Slovak territory. They were, he said, preparing for the 'R' variation. The 'R' stands for 'rokovanie', the Slovak word for negotiation. (Budapest home service 1400 gmt 5 Apr 91)

(Excerpt from report by Eva Cseh) ...In reply to my question about the Boes hydro-power station, Jan Carnogursky said it was primarily a technical question. It had already cost Kcs 13bn but the reports claiming that the construction of the power station was still going on were not at all true. Currently they were opening the gravel pit, completing those constructions which the Hungarian side had left unfinished mid-way through. It is also true Jan Carnogursky said that among the many alternatives, one exists according to which they would build on the Slovak side a side canal out of the Danube, but this does not mean the diversion of the border river. Still, whatever is going to happen Hungary will be notified about it... (Budapest home service 1600 gmt 5 Apr 91)

(Excerpt) Following his talks in Budapest on Thursday [4th April], Jan Carnogursky, Deputy Prime Minister of the Slovak government, visited the countryside to study the situation of Slovaks living in south-east Hungary... Discussions also included the construction of the Gabcikovo power plant. The Deputy Prime Minister of the Slovak government said the completion, or suspension, of the power plant's construction is not a national, a minority or even a political issue but rather an economic and nature protection but, most of all, a financial problem. The Slovak side has several conceptions to solve the problem, but neither one reckons with changing the bed of the Danube river. (MTI in English 1652 gmt 5 Apr 91)

(Text) Ferenc Madl, Hungarian Minister Without Portfolio and government commissioner of the Nagymaros hydro-electric dam scheme, held unofficial talks with Slovak Prime Minister Vladimir Meciar at Stary Smokovec on Sunday afternoon, the Minister's secretariat told MTI on Monday [8th April]. The negotiating parties confirmed that the official talks would be launched in Budapest on 22nd April. (MTI in English 1401 gmt 8 Apr 91)

[6] Polish organisations protest against Ukrainian treatment of Lvov Archbishop (Text) The Federation of Borderland [Polish:Kresy] Organisations has protested against the cancellation by the local authorities in Lvov of the ingress into the Archepiscopal Cathedral in Lvov of Archbishop Marian Jaworski, who has been nominated by the Holy See. This event has deeply hurt Polish public opinion and is being interpreted as a successive act of hostility towards the Roman Catholic Church, the Polish nation and particularly in relation to the Polish community in Lvov. We expect that the state authorities of the Soviet Union will make efforts to ensure that the Polish population, which as a result of aggression found itself in the borders of the USSR after 17th

September 1939, is able to exercise their rights in full without further humiliation, the Federation stated. (Polish TV 2030 gmt 7 Apr 91)

[13]

IN BRIEF ON SLUSOVICE AFFAIR

ENVIRONMENT MINISTER EXPLAINS WHY WORK MUST GO AHEAD AT GABCIKOVO

Czechoslovak TV 2000 GMT 1 Aug 91

Excerpts from interview with Josef Vavrousek, Chairman of the Federal Committee for the Environment and Minister of the Federal government

...[Question] Would not the best solution be after all to adopt the Hungarian stance and cancel the agreement and halt all the works?

[Vavrousek] This would bring two problems. First, cancelling the agreement would mean creating a legal vacuum, lawlessness, and it would be very difficult to look for any solution then. The second problem is above all of an ecological character and arises because a great part of the works has been already concluded - above all at the Gabčíkovo hydro-project - and that damage caused by the construction is mostly on the territory of Czechoslovakia. In fact 40,000 square kilometres of the most fertile soil of the Zitny Ostry area were covered with concrete, changed by the construction in such a way that it is in fact impossible to change them back to their original state. This creates enormous ecological damage, above all because the microclimate was changed and because of the impact on underground water. Therefore I think that unfortunately the assumption that halting all the work is the best solution from the ecological point of view is baseless.

[Q] What is in your view the best solution to this complicated situation?

[A]...I think that one of the best solutions could be to abandon the construction of the Nagymaros hydro-project, while perhaps building a low-level weir for navigation of ships, to change fundamentally the running of the Gabčíkovo hydro-project, and to adapt the concept of the entire project to the needs of the eco-system of the region, while the entire region would be protected against floods and certain use would be made of the potential for producing electricity...

[Q] Mr Minister, the Hungarian government sent a note to us yesterday protesting against letting water in the canal at the Gabčíkovo project. What is going to be the answer from our government?

[A] The note has two principal points. The first point is very positive - the Hungarian government expresses its willingness and readiness to continue with further talks. In fact it also expresses a certain readiness to look for a compromise stance acceptable to both sides.

The second point is the warning against taking any unilateral actions - and it considers letting water in the canal at the Gabčíkovo project to be such an action. This work is of a technical character, and I have to point out that the attention of the Federal government was not drawn in advance to the fact that this work was to be carried out...

I believe the fact that water was let in the canal will not prevent further talks going ahead. It is certain that once the Federal government meets after its short holidays it will seriously discuss this problem. TCH=J

CENTRAL EUROPE - ONE EUROPE

Damning Evidence?

Almost 40 years after the first serious proposals for using the Danube as a source of hydroelectric power, the only thing generated by the Gabčíkovo-Nagymaros barrage scheme is controversy. No longer an issue of Hungarian environmentalists and opposition against the party-state (as reported on in several early issues of EER), the 'dam question' is now between the Hungarian and Slovak governments.

The original project idea (see map on page 78) was to create a 10-mile-long reservoir below Bratislava, allowing water from the Danube to be diverted at Dunakiliti (Hungary) along a 10-mile side-canal to a power-station at Gabčíkovo (Czechoslovakia); this in turn would have been connected by another side-canal to a second power-station at Nagymaros (Hungary), whose function was to enable Gabčíkovo to operate as a peak power plant. When in 1989 the Hungarian government decided to end construction at Nagymaros and Dunakiliti, the Slovak authorities decided to go ahead anyway by completing the reservoir on their side and converting Gabčíkovo to a continuous operation station. To fill the reservoir and supply Gabčíkovo with water would mean diverting the Danube unilaterally as opposed to jointly (which was envisaged under the 1977 treaty, along with the necessary border modifications). This is the now notorious 'C-option' due to come into effect later this year and which forms the basis of the debate for and against Gabčíkovo below.

Gabčíkovo: the case for

JULIUS BINDER

At the beginning of 1989, political resistance to the Hungarian government was on the increase. Activists chose to focus on the communist government's environmental record, a weak point of all the Central European regimes. Hungarian nationalists assailed the 'internationalism' behind all long-term co-operation among socialist states. The biggest of these projects, the Gabčíkovo-Nagymaros dam, served as the focal point for public discontent. It was blamed for damage to economic, environmental and national interests regardless of the facts.

The Hungarian public, badly informed about the dam, grew convinced that it typified the flaws of the socialist system. A series of demonstrations against the socialist government to stop construction began in May 1989. When the regime collapsed, the new government was especially wary of supporting a project the public associated with the past.

Hungarian activists assumed that their counterparts in Czechoslovakia would halt their half of the

project once they came to power. They counted on international movements, such as Greenpeace and Eurochain (a group of over 400 environmentalists from Hungary, Slovakia and Austria), to co-operate with the Hungarian media and turn public opinion among Hungarian Slovaks against the dam. Putting a stop to the project, they figured, would just be a question of time. They did not put much effort, therefore, into finding a constructive solution.

The strongest player on the Hungarian side was the nationalist ecological movement *Duna Kör* (Danube Circle). Their aim was not (and is not) to search for the best environmental and economic solution, but rather to stop the completion of the dam, to damage the Czechoslovak - and especially the Slovak - economy, and to exacerbate the controversy between both Slovaks and Hungarians and Slovaks and Czechs. In this unstable political and economic situation they could better pursue the policy of autonomy for Hungarian minorities and, later, the restoration of the

Hungarian Empire.

This strategy fits in with the proclamations of leading Hungarian politicians. Not long after he became Hungary's democratically-elected prime minister in spring 1990, Jozsef Antall proclaimed that he considered himself the leader of 15 million Hungarians (of whom only 60 per cent live in Hungary), while the minister of defence has more recently said that he would protect the interests of Hungarians living outside the republic.

During the disastrous flooding of 1965, about 100,000 square hectares of land in Slovakia were inundated and more than 10,000 homes damaged. The costs of repair came to several billion crowns. This catastrophe, on the Slovak side of the Danube, mirrored a similar disaster on the Hungarian side in 1954. It was the inhabitants of these territories who asked their governments to prevent future floods.

The shipping industry also sought help. The part of the Danube that forms the frontier between the two countries, from Bratislava to Sturovo, is unstable and is almost as dangerous as the part separating Yugoslavia and Romania. The banks are shallow, rising as little as 9 centimetres per kilometre in some areas. Loose gravel and sand form shifting banks and fords, making the navigable part of the river both shallower and narrower (on average it is only 1.2 to 2 meters deep). The Danube Commission (body established in 1948

whose main concern is with navigation along the river] therefore decided to find a way to ensure a uniform depth of 3.5 meters.

Problems in the Czechoslovak energy industry also played a role. Harnessing the Danube would double Slovakia's hydroelectric potential, thus reducing dependence on ecologically-damaging sources of energy such as thermal power-stations. The Gabčíkovo project would secure stable production of about three billion kilowatt hours; Nagymaros would provide Hungary with about one billion kW.

Finally, Gabčíkovo promised to improve the quality of life in other areas. It would create convenient facilities for water sports. It would ensure more reliable supplies of drinking water and, through a sophisticated series of canals, would improve irrigation for forests and farms now dependent on the river's unpredictable path.

Every big project has its negative effects for the environment. It is necessary, therefore, to measure them and weigh them against the expected benefits. An expert's job is merely to document the risks; politicians must judge whether society's gains are worth the ecological losses.

The Gabčíkovo dam would have the following four major environmental side-effects:

1. Destruction of agricultural and forested land in building the canal. The damage here has already been done.

Stopping construction of the dam will not bring back the land already lost.

2. A reduction in ground water levels. In fact, the water level should rise at the upper part of Zitny Island [the channel into which the Danube is to be diverted]. The lower part, already heavily salinated, will be rinsed cleaner by the higher water level. Moreover, the natural tributaries, already drying up, will be replaced by artificial sanitary canals. The project will therefore provide the area's flora with more water than they now receive; the water will also be less salty. Of course, the project will in places keep water from flowing freely and block the free migration of wildlife. But the project's designers have consulted with ecologists in the hope of minimizing damage. It is also hoped that the creation of a reliable supply of water for the wildlife is a form of compensation.

3. Socio-environmental damage. Politicians first conceived of the Gabčíkovo project at the behest of the inhabitants of the Danube basin, who sought to protect their land and improve the economic conditions of the region. The local population, under the influence of the biased Hungarian mass media, has only recently begun to resist the project. The residents have fallen for spurious claims that the dam is not built well enough to withstand earthquakes; some even believe that is built on a large scale specifically to 'wipe out the Hungarian minority'.

CHRONOLOGY OF THE GABČIKOVO-NAGYMAROS HYDROELECTRIC POWER PROJECT, 1910-1992

1910-1987

1910 — Appearance of the first plans for utilizing the Danube as a source of hydroelectric power.

October 1950 — At a meeting of the Hungarian Academy of Sciences, Professor Emil Mosonyi (Hydroelectric Planning Office) suggests making contact with the Czechoslovak authorities to examine the possibilities of constructing a joint power project along the Danube. (For the minutes of a meeting held on 18 April 1953 and chaired by Deputy Prime Minister Erno Gero, reviewing initial progress made by the two sides and showing their awareness even at this stage of the environmental hazards, see EER Vol 1 No 3.)

1958 — A joint Czechoslovak-Hungarian committee of experts recommends building a system of two dams, the upper one using an elevated side-canal.

1963 — Economic committees representing the two governments approve the twin-dam model. Deadline for completion: 1975.

1964-73 — Different project schemes submitted.

15 September 1977 — Janos Kadar and Gustav Husak, leaders of the Hungarian and Czechoslovak communist parties respectively, announce the decision to proceed with construction.

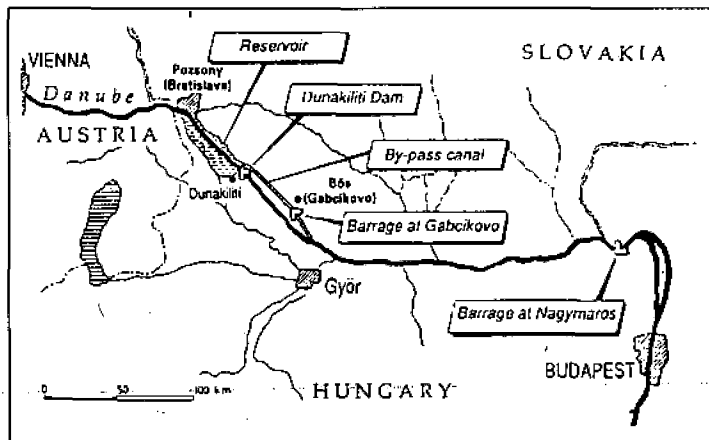
16 September 1977 — Czechoslovak Prime Minister Lubomir Strougal and Hungarian Prime Minister Gyorgy Lazar in Budapest sign the international treaty on the construction and operation of the Gabčíkovo-Nagymaros water barrage system. Deadline for completion: 1986-90.

September 1981 — Following criticism from various international gatherings of professional engineers and biologists, an agreement is reached with the Czechoslovak government temporarily halting construction work on their side (which is considerably further advanced than on the Hungarian side).

November 1981 — An article strongly critical of the project is published in *Valosag* (a monthly review of the social sciences), written by Janos Vargha.

10 October 1983 — Strougal and Lazar sign a protocol to the original treaty confirming continuation of the

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Anna Varkonyi illustration in *New Hungarian Quarterly*

Diagram of the Gabčíkovo-Nagymaros project

These claims defy all logic. Scientific tests have demonstrated the dam's strength. What defects exist will be eliminated in time and meanwhile pose no threat to the population. The claims also ignore the benefits the region has already enjoyed from the project. For one thing, the technical infrastructure of the region has begun to improve, which will allow for the future development of the region as a holiday resort and which will therefore create local jobs. The region has an excellent opportunity for rapid development.

4. A reduction in the rate of water flow in the so-called 'old river bed'. This is one of the major side-effects of

the dam. However, building a 'delay device' will actually increase the flow of deeper layers of the river. There, deeper (and cleaner) parts of the river will be siphoned off into the ground water system. The top, more polluted, layer of the river will be drawn down a branch of the Small Danube (one of several natural channels into which the Danube breaks below Bratislava), which is further downstream. There is a theoretical possibility that, when the water is warm, organic pollutants will adhere to the soft, drifting part of the river bottom and therefore enter the section of the river drawn for drinking water. This is unlikely to happen,

however, because: a) sewage treatment plants will be installed between residential and industrial areas and the delaying device; b) the average delay of the water will be short, not allowing the organic pollutants that get through the farms to settle; c) the river's natural flow routine - high in the summer, lower in the autumn and winter - will work against the process. For, when the river is warm, organic pollutants will not be able to sink low enough to reach the river bottom, while when it is low, the water will be too cold to allow the bonding to occur; d) a series of canals will divert the higher parts of the river away from sources of drinking water.

The Danube river is, in any case, already heavily polluted in parts. But the Gabčíkovo dam will not add to this pollution. Experts from the American construction firm Bechtel Environmental and the Canadian firm Hydro Quebec recently came to the same conclusion that the Czechoslovaks have: given the precautions built into the project, Gabčíkovo will not cause an environmental catastrophe but in fact will improve the present condition of the river. The environmental risks of building and using Gabčíkovo are smaller than expected. There is no need to fear excessive environmental damage.

The author is a manager of Hydrostav, the Slovak state construction firm building Gabčíkovo.

project. Deadline for completion: 1995.

20 December 1983 — Council of the Hungarian Academy of Sciences completes its report calling for a halt to construction pending investigation of environmental repercussions.

27 January 1984 — Nucleus of the Danube Circle (*Duna Kör*), an unofficial pressure group opposed to the project, formed.

Spring 1984 — Growing public concern in Hungary over the effects of the dam expressed in university clubs and similar fora.

December 1984 — Protests by Austrian environmentalists force the Austrian government to cancel the hydroelectric power station planned at Hainburg (a project very similar to the Gabčíkovo-Nagymaros one). There are official protests against Hainburg on the Czechoslovak side as well.

Summer 1985 — Ignoring protests, Hungarian authorities step up their propaganda campaign in favour of the project and reaffirm that work will continue.

9 October 1985 — The Danube Circle is awarded the alternative Nobel Prize.

30 January 1986 — A request for a referendum on the

Nagymaros part of the project signed by over 2500 people is presented to the Hungarian authorities.

8 February 1986 — A protest march along the Danube organized by the Danube Circle is prevented from taking place by the Hungarian police.

16-30 April 1986 — Hungarian intellectuals take out a full-page advertisement in *Die Presse* (Viennese daily) protesting against the project and, in particular, Austrian financing of it.

28 May 1986 — Hungarian and Austrian companies sign four contracts by which Austria will both finance and execute the bulk of construction work at Nagymaros in return for electricity deliveries starting in 1996.

August 1987 — Ignoring international actions against the project, the Hungarian and Czechoslovak governments sign a statement pledging to speed up construction.

1988

4 September — A conference organized by the World Wildlife Fund and the Danube Circle to assess the ecological impact of the project is allowed to take place by the Hungarian authorities.

Gabcikovo: the case against

JUDIT VASARHELYI

If you, reader, would like to know the real background of the protest against the Gabcikovo-Nagymaros system of hydroelectric power-stations, the facing article stands in need of some correction. The public opposition against the project goes back further than Dr Binder's memory. For, after a number of scientific articles - including some in which Slovak scientists drew attention to the problems of the twin-dams scheme ahead of their Hungarian colleagues - a seminal paper on the topic was published in *Vilóság* (a journal addressing social and economic issues) by Janos Vargha in 1981 that did much to popularize the debate.

Three years later, in 1984, the Danube Circle was established underground (meaning that it did not register with the authorities). It is true that the aim was to stop completion of the dam, but never, for one moment on nationalistic grounds. Highly respected Slovak authors and academics as well as environmentalists were our partners in providing correct information and demonstrating against this mastodon of communist ideology. Hungarian environmentalists had a great deal of respect for those who took a larger risk in the less tolerant and more oppressive communist regime in neighbouring Czechoslovakia. There was in fact an ever-deepening dialogue between Slovak and Hungarian

conservationists, and to further this process the newsletter of the Danube Circle contained a summary not only in Western languages but in Slovak as well. The Danube Circle also translated important documents into Slovak to ensure access to and promote the flow of information among the nations facing a common ecological danger.

Far from being nationalistic, the Danube Circle was in truth the very opposite. Many times, the Circle's leading figures repeated that environmental-pollution-knows-no-borders - that those endangered have to work on common grounds. The accusation might stand only if one construed completion of the dam as a national achievement per se, strengthening Slovak separatism and independence; but that would be nationalistic misuse of a project previously seen as environmentally threatening. Neither Hungarian politicians, nor activists, nor members of the Danube Circle, nor other conservationists ever aimed at causing damage to the Czechoslovak economy; they only pointed out the damage the dam itself could cause!

So much for the historical 'facts' of the affair presented by Dr Binder. As for the Danube itself, I personally prefer the original wide, living, strong, beautiful river - yes, the 'so-called old river bed' - this organism guaranteed us by international agreement as one of Hungary's borders, to a reeking morland. The ecological risks are real and

numerous enough to make us forget about the project for ever. And since the majority of Hungary's water resources come from within an international water basin, such that the availability and quality of our water is determined by our neighbours, Hungary has good reason to worry about the origins of its water. As do Slovaks, by the way.

Dr Binder's article does not adequately address the problems created by the construction of an elevated and insulated canal into which the Danube proper will be diverted. But then it is hard for anyone to simulate the special complexity and dynamic balance of the Danubian ecosystem, since no hydroelectric power stations around the world seem to function in the predicted way. In this respect, all such models say more about when they were designed than they do about the possible ecological impact. So Dr Binder's claims - his 'unlikely' and 'hoped-for' effects - are not enough to erase doubts about the environmental safety of the Gabcikovo dam on the part of the Central and Eastern European conservationists or population. Given such uncertainty, great caution is due. (By the way, do you still remember the party state system? Q: What is socialism? A: The solution of problems which would otherwise not have arisen.)

Yet it is downright misleading of Dr Binder to include among his list of positive consequences of the project such items as flood protection, improved

12 September — First mass demonstration in Hungary against the project, with over 30,000 participants.

13 September — Report by an ad hoc committee of the Hungarian Academy of Sciences advocates suspending - and eventually abandoning - construction of the dam at Nagymaros.

6-7 October — First Hungarian parliamentary debate on Gabcikovo-Nagymaros. Under pressure from the government and communist party, MPs vote in favour of proceeding with construction but on condition that ecological requirements are met before the scheme is put into operation.

1989

6 February — Deputy prime ministers of the two states sign another protocol (unpublished) on accelerating construction.

27 February — Hungarian independent environmental groups deposit more than 140,000 signatures with the government calling for a referendum on the Nagymaros part of the project (by November, this number has risen to 180,000).

13 May — Following a very critical speech by Prime

Minister Miklos Nemeth three days earlier, the Hungarian government announces a two-month moratorium on construction of the Nagymaros dam (now about 30 per cent complete).

24 May — Hungarian and Czechoslovak prime ministers meeting in Prague fail to reach an agreement on amending the project which the Czechoslovak side insists is to be completed according to the terms of the original treaty.

20 July — The Hungarian government extends the moratorium on construction at Nagymaros until 31 October. At the same time, it also decides against allowing diversion of the Danube into the new canal built on Slovak territory, thereby preventing the filling-up of the 10-mile-long Dunakiliti-Hrusov reservoir supposed to have been the main source of water for the Gabcikovo hydroelectric plant.

18 August — Official note of protest from the Czechoslovak ministry of foreign affairs threatens to demand the equivalent of some \$2 billion in compensation.

31 August — Letter from the Czechoslovak prime minister which rejects the Hungarian position and for the

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navigation and plans to build sewage treatment plants. The Slovak as well as the Hungarian population is entitled to protection from floods, improved navigation and sewage treatment plants without having a set of ecological risks imposed upon them in exchange. The Danube Commission must work in accordance with the Danubian Basin Ecological Convention - which establishes co-ordinated programmes for monitoring the state of the environment in the Danube basin, on which it also publishes reports - to find up-to-date ways to ensure that the technology sited by mankind in the Danube basin does not endanger human health and safety, air, water, soil, climate, landscape, flora, fauna and living communities, including their biological diversity and possible bio-indicators. I do not believe that a cost-benefit analysis conducted in terms of the damage done to the above set against gains for the taxpayer will yield a positive outcome.

What are the main dangers? According to the document prepared for the negotiations between the governments of the Hungarian Republic and the Czech and Slovak Federal Republic on 22 April 1991, based on the research reports and position papers of the Hungarian Academy of Sciences, 'the environmental and ecological impact of the operation of the Gabčíkovo dam will be affected primarily by the hydrological situation, the hydraulic changes, and the pollution rate of the water. The correlation of these factors are superimposing and synergic, and therefore

can be the source of further, as yet unknown, correlations.'

The greatest danger on account of the decreased rate of water flow is eutrophication. This means that the self-cleaning capacity of the river will suffer, leading to dangerous anaerobic degradation of both the water and soil and resulting in the formation of a carcinogenic industrial sludge; the biological filter system on the surface will also be harmed. In this way, pollutants could destroy the entire aquifer of a 10 km stretch containing the drinking water for millions of inhabitants in both Hungary and Slovakia: 'No promised improvements to the 'quality of life in other areas', i.e. water sports and 'reliable supply of drinking water', will compensate these thirsty people.

A second set of dangers arises from the sinking of ground water levels causing sodication, a decrease of agricultural input as well as a diminished water supply for riparian forests.

Then the alteration of the hydrodynamic conditions will bring about deterioration of the ecosystem: in particular, land ecosystems will be cut off and a multitude of gene variants destroyed once and for all; at the same time, the artificial water supply systems will have negative effects on the reproduction of plants and animals, especially the fish population.

And fourth, in the absence of a proper geological survey, the ability of the canal to withstand an earthquake cannot be assumed either.

After Rio, we have to put an end to

the uncontrolled production and consumption of energy. Instead, all of us should learn about energy efficiency, an environmentally sound and economically profitable solution which offers an enormous potential in Eastern Europe. This is the true answer to our problems, and we have to share information, regionally as well as globally, about such a potential.

Instead, Dr Binder argues that efforts to protect the greatest and still unpolluted water reservoir of Central and Eastern Europe were intended 'to damage the Czechoslovak - and especially the Slovak - economy'. This is not reasoning in any true sense of the word, invoking either logic or erudition; it is simply demagoguery and name-calling. Precisely the same kind of 'reasoning' was used in Aesop's tale of the wolf standing upstream towards the lamb downstream. Along any river some people must live downstream of others and thus it is their geographical position and not their nationality which determines their stance.

Of course, had it been possible to change the flow of rivers according to the communist ideology that man can overcome nature, perhaps Dr Binder would be worrying about the health of Slovak children downstream. For my part, in all cases I would rather work with nature.

The author is director of the Independent Ecological Centre in Budapest.

first time outlines the so-called 'C-option', by which water from the Danube would be unilaterally diverted to Gabčíkovo.

1 September — Hungarian government responds, justifying its decision to suspend work and warning the Czechoslovak side that going ahead with its plans might result in the deterioration of relations between the two countries.

22 September — Hungarian government decides to end work at Nagymaros: this means that the power-station at Gabčíkovo will have to operate continuously rather than supply energy during peak hours only, as originally intended.

11 October — Meeting between Nemeth and Czechoslovak Prime Minister Ladislav Adamec which fails to resolve disagreements over the future of the project.

31 October — Hungarian parliament passes a resolution authorizing the government to renegotiate the 1977 treaty, guided by 'an ecological approach, solid scientific findings and priority of national interests'.

30 November — Hungarian Ministry of Foreign Affairs submits a proposal modifying the 1977 treaty. According to the proposal, both parties would agree to

the ending of work on the second dam (Nagymaros), though the reservoir at Dunakiliti could be completed and the power-station at Gabčíkovo opened subject to an environmental risk-study. The Czechoslovak side never formally responds to this proposal.

16 December — Following the changed political conditions in Czechoslovakia, over 2000 members of independent Czech and Slovak organizations hold a demonstration at Gabčíkovo.

1990

12 January — In a visit to Budapest, new Czechoslovak Foreign Minister Jiri Dienstbier dissociates the new government from the 'gigantomanic' policies of its predecessor, though both sides agree to await the outcomes of free elections before taking any irrevocable steps.

5 February — International protest against the project in the form of a human chain from Hainburg to Komárom/Komarno on the Hungarian-Czechoslovak border.

22 May — In its programme, the new Hungarian government says it 'disapproves of the completion of the

Water under the bridge, or How can conflicts be solved?

GYORGY CSEPELI
AND ANTAL ORKENY

At a conference in Budapest in autumn 1991 on promoting a rapprochement in Slovak-Hungarian relations, we analysed the subject using a conjunction of political theory and social psychology, primarily with a view to therapy. Our basic approach was that the same principles could be applied to Hungarian-Slovak relations as to the integration of various social groups. We developed this further at the continuation of the conference in Bratislava in March 1992, examining communication and understanding between nations. The example we took was the joint Danube project between the two countries. We should stress that we have no expertise in the technical, environmental, or other such aspects of the project. We are merely using it as an example to illustrate how communication problems can aggravate political, cultural or national conflicts.

1. Trust in the possibility of understanding.

Communication may be thwarted from the very start, or may become a monologue, if either side does not believe that the other is capable of understanding the problem. If this

trust is lacking, those on one side will not see why those on the other cannot understand what they understand so clearly. This is followed by those on that other side not understanding why their partners don't understand their position. But these two steps only cover the phenomenological problems of communication, which are ontologized as soon as the question-marks turn into exclamation-marks and both sides start to express their indignation that the other is both unable and unwilling to understand. This is the dialogue of the deaf, and we know where this leads.

Conclusion: trust in the possibility of mutual understanding should never be suspended.

2. Trust in the possibility of communicating.

Trust in the possibility of understanding is a necessary but not sufficient condition for trust in the possibility of communicating. Obstacles to this trust can take the form of the belief that there is no suitable place where communication can occur, or that even if communication were possible, the right partners are lacking, or that it is the wrong time now (either too early or too late).

Conclusion: communication must be maintained continuously.

3. The avoidance of benign transformations.

Benign transformations occur when the players recognize the interrelated complexity of the facts in the conflict but treat the different components as interchangeable in discussion. In the dam debate, environmental arguments are answered with energy arguments which are countered with points concerning international law, and so on. No one is forced to pursue the argument to its finish.

Conclusion: the debate must be conducted on one level at a time.

4. The avoidance of malign transformations.

Malign transformations occur when factual aspects of the analysis are subordinated to or totally replaced by ideological viewpoints. This happens when the unfamiliar is represented as an accepted fact. Take, for example, 'the massive drinking-water reserves of the Szigetkoz'. According to 'expert Hungarian opinion', if the project is completed these reserves will be used to supply a large part of Slovakia. But if they are so large, why won't some remain for Hungary?

Thus the most innocent differences, which could be overcome through empirical measurement, become keys to loyalty and identity. The point it reached when the attempt to bring the

power station at Bos (Gabcikovo) and will start restoring the site at Nagymaros as soon as possible. It will also initiate negotiations with the new Czechoslovak government concerning restoration of the status quo ante and the mutual sharing of damages'.

28 August — Czechoslovak and Hungarian foreign ministers discuss the issue of the Gabcikovo-Nagymaros project in Prague.

14 November — Hungarian government agrees to recompense the Austrian company contracted to build the dam at Nagymaros on its behalf 2.6 billion Austrian schillings (\$240 million). Payments will be made in electricity deliveries expected to continue until 2016.

1991

22-23 April — Slovak Prime Minister Vladimir Meciar and Hungarian Minister without Portfolio Ferenc Madl meet in Budapest to discuss the project (for which the Slovak government has had full responsibility since the start of the year). Hungary restates its concerns about the destructive environmental consequences it anticipates if the project is finished and presses for a new inter-state treaty to replace that of 1977; this is

rejected by the Slovak side, which argues that construction is near to completion and that it has invested the equivalent of several hundred million dollars already in a scheme it expects to yield 10 per cent of its total energy needs.

23 July — Following further bi-lateral meetings, this time between Madl and the new Slovak prime minister, Jan Carnogursky, the Slovak government announces its decision to put its section of the project into operation starting in October 1992 (the decision is approved by the federal government two days later). This means proceeding with the 'C-option' to divert the Danube, which the Hungarian government claims would be a violation of the 1947 Paris peace treaty's ruling of the Danube's main shipping lane as the border between the two countries. Slovak legal experts respond that the 1977 treaty had itself envisaged diverting water from the Danube.

December — Carnogursky's visit to Hungarian Prime Minister Jozsef Antall confirms the gap between the two sides: the Slovaks will only consider options which will allow the power-station at Gabcikovo to function while the Hungarians threaten unilateral annulment of the 1977 treaty.

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argument back to the facts is treated as betrayal. This explains why on both the Hungarian and Slovak sides, the dam dispute has taken on a national character, and like a sponge has sucked up other aspects of the coexistential problems of the two sides. The problem is made worse by the nature of the recent political changes. The Hungarians' implacability is not merely an ideological defence of national identity; for, the dam played a central role in the opposition to the communist system. The legitimacy this gave ties both the present government and the opposition to maintaining the same position.

Conclusion: the importance of professional competence rather than ideological analysis.

5. The attributing of false motives and misunderstanding.

Further communication can be blocked if it is assumed that the key to what has been said lies in what has been left unsaid. This opens up ample room for subjective guess-work and the attribution of motives almost always negative. An example of this on the Hungarian side is the attempt to prove that the Slovaks want to steal their water, e.g. 'For years, the Slovaks have been preparing big plans to exploit different circumstances, and to divert the whole Danube to Czechoslovak territory' (HVG, 11.3.89).

This problem is exacerbated by the

tendency to agree on the key criteria determining the dispute but to disagree over applying them. In the case in question, both sides recognize the importance of legality but have different interpretations of what this means in practice. The Slovaks say that the 1977 treaty represents the legal starting-point, while the Hungarians say the Slovaks broke the law when they began diverting the river into a man-made channel on Slovak territory, thus breaking the 1947 peace treaty. For the Slovaks, legality requires sticking to the 1977 treaty, while for the Hungarians it means breaking it.

This leads to the demonizing of participants. For example, Ladislav Mynacko described the behaviour of the Hungarian government as reviving the spirit of Lenin (quoted in *Nepszabadsag*, 13.2.92, from an article in *Narodna Osvada*). From here it is not far to a demonstration of strength, to threats and blackmail. The next step is violence.

Conclusion: careful textual analysis, and the immediate clearing-up of misunderstandings. The employment of a code comprehensible to both sides; and the search for mutually advantageous solutions.

6. Fear of the outside perspective.

Social psychology action theory tells us that very often the participants in a debate refuse to see the ideological or

political motivations underpinning their stand and, for the same reason, refuse to accept the perspective of an outsider. An infallibility complex pervades the actors; if this is mutual, communication is paralysed.

Conclusion: building in of the observer perspective into the debate and the involvement of unbiased professional opinion.

To sum up, we should not delude ourselves that observation of our conclusions will prevent conflicts between nations. But they may assist in preventing the conflict taking a destructive turn.

Finally, one piece of advice for political decision-makers, to choose a language that both sides understand: money. The Hungarian government may want the project stopped but they cannot want the Slovaks to suffer losses because of this. This may be expensive for the Hungarian government, though not in comparison to what has been spent on the project so far. This presents a rational, if expensive, means to compromise, by way of a joint sacrifice. Naturally both sides will seek to maximize their profit from the compromise, though in this particular case the best they can hope for is to minimize their losses.

NÉPSZABADSÁG
10.6.92

1992

24 March — Second resolution by the Hungarian parliament authorizing the government to renegotiate the 1977 treaty.

April — The revelation that an Austrian company chaired by former Vice-Chancellor Hannes Androsch had agreed to lend 10m crowns (c. \$400,000) to the Slovak state construction firm Hydrostav (headed by Ivan Carnogursky, brother of the prime minister), to complete the project, leads to protests from the Hungarian government and a demonstration outside the Austrian Embassy in Budapest.

4 May — EC Commissioner Frans Andriessen responds to various calls from both sides for an outside committee of experts by stipulating three conditions to be met before the EC can become involved: first, a letter from the two parties requesting external arbitration; second, an a priori commitment by both sides to accept the findings of the experts as binding; third, promises not to prejudice the outcome of the enquiry in any way (which would mean suspending work on the project on the Slovak side).

7 May — Hungarian government announces that un-

less the issue can be resolved beforehand, it will unilaterally annul the 1977 treaty on the building of the Gabčíkovo-Nagymaros project on 25 May.

9 May — Czechoslovak and Slovak governments reject the Hungarians' decision. Dienstbier admits that the dispute is having 'a disturbing effect' on a new Hungarian-Czechoslovak friendship treaty, approved by both sides but still awaiting signing.

25 May — Hungarian government sends a 40-page document to Prague explaining why it has decided to annul the 1977 treaty. The Hungarian parliament approves the decision two weeks later.

12 August — Following his first visit to Prague since the June elections in Czechoslovakia, Antall restates the position that the Hungarian government considers the 1977 treaty terminated but is willing to conclude a new agreement, to be discussed during forthcoming visits to Budapest by new Czech Premier Vaclav Klaus and new Slovak Premier Vladimir Meciar. He also reiterates that if the Slovak side continues with the 'C-option' involving diversion of the Danube, Hungary will treat this as a border violation.

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SLOVAKIA

The Gabčíkovo Water Works

The development of the problem with special reference
to the years 1991-1992

January 1993

SLOVAKIA

The Gabčíkovo Water Works

1. Introduction

This case study presents a brief review of the historical development of the problem of the Gabčíkovo-Nagymáros Water Works, and then focuses on recent developments in 1991 and 1992, analysing the policies and methods used by the Slovak Government in response to this environmental issue. The study does not focus on the activities of domestic and foreign environmental groups, nor on the activities of the Hungarian side, both of which have been very intensive during the whole construction of the Gabčíkovo-Nagymáros Water Works.

It is not possible to identify clearly the character of environmental policy of the Slovak Government from one case study, at a time of extremely rapid political, structural and personnel changes, particularly during the formation of an independent Slovak Republic. The policy of the Slovak Government as demonstrated by decision-making on the Gabčíkovo Water Works, however, illustrates well the barriers to implementation of environmental policy in the Slovak Republic. These barriers can be summarised as follows:

- social and political climate - mutual Hungarian and Slovak mistrust;
- political composition and personalities of the Slovak Government and the Slovak National Council (parliament);
- absence of a mechanism for democratic decision making;
- lack of experience of governmental representation in effective conflict resolution;
- tolerance of illegal activities;
- conflicts of interest;
- ignoring the analysis of experts;
- ignoring local inhabitants and environmental organisations;
- polarisation of the problem in the media, subjective information;
- nationalisation of the problem.

2. Description of Players

2.1 Individuals

Mr. Lokvenc: State Commissioner for Gabčikovo-Nagymáros Water Works (1978 - April 1990)

Mr. Kocinger: State Commissioner for Gabčikovo-Nagymáros Water Works (since April 1990), at the same time Deputy Minister at the Slovak Ministry of Forestry and Water Economy

Mr. Tatar: Hungarian State Commissioner for Gabčikovo-Nagymáros Water Works

Mr. Veselý: Slovak Minister of Forestry and Water Economy (until June 1990)

Mr. Oberhauser: Slovak Minister of Forestry and Water Economy (June 1990 - June 1992)

Mr. Baco: Slovak Minister of Land Economy (since June 1992), chairman of the ČSFR Government delegation (since September 1992)

Mr. J. Čarnogurský: ČSFR Vice Premier (until June 1990), Slovak Vice Premier (until April 1991), Slovak Premier (until June 1992), Chairman of the Christian Democratic Movement, Chairman of the ČSFR Government delegation (July 1991 - June 1992)

Mr. I. Čarnogurský: Director of main state contractor company, Hydrostav, First Deputy Chairman of the Slovak National Council (June 1990 - June 1992), Vice Chairman of the Christian Democratic Movement, brother of Mr. J. Čarnogurský (above).

Mr. Mečiar: Slovak Minister of Interior (until June 1990), Slovak Premier (June 1990 - April 1991, since June 1992), Chairman of the Movement for Democratic Slovakia, Chairman of the ČSFR Government delegation (until July 1991)

Mr. Čalfa: ČSFR Premier (1990 - June 1992)

Mr. Stráský: ČSFR Premier (since June 1992)

Mr. Antall: Hungarian Premier

Mr. Huba: chairman of the Slovak National Council Environment Committee (June 1990 - June 1992)

Mr. Vavroušek: ČSFR Minister of Environment

Mr. Keresztes: Hungarian Minister of Environment

Mr. Zlocha: Slovak Minister of Environment (since June 1992)

Mr. Moravčík: ČSFR Minister of Foreign Affairs (since June 1992)

Mr. Jeszenszky: Hungarian Minister of Foreign Affairs

Mr. Tóth: Slovak Minister of Finance (since June 1992)

Mr. Lisický: Institute of Zoology and Ecosozology, Slovak Academy of Sciences

Mr. Ardó: Director of the Water Economy Research Institute (WERI) (until September 1991)

Mr. Holčík: Director of WERI (since September 1991)

Mr. Lehocký: Deputy Director of WERI (until October 1991)

Mr. Bačík: WERI expert

Mr. Holubec: WERI expert

Mr. Lindtner: WERI expert

Mr. Szolgay: WERI expert

Mr. Lichvár: WERI expert

Mr. Liška: Head Specialist of the state engineering company, Hydroconsult

Mr. Mucha: head of the Consulting Group 'Ground Water'

Mr. Šíbl: leader of the 'Danube Group' of the Slovak Union of Nature and Landscape Protectors

2.2 Government bodies

Slovak Commission for Environment. Minister: Mr. Tirpak. Later became Ministry of Environment of the Slovak Republic. Minister since June 1992: Mr. Zlocha.

Federal Committee for Environment. Minister: Mr. Vavroušek (June 1990 - June 1992)

Ministry of Forestry and Water Economy of the Slovak Republic. Minister: Mr. Veselý, later Mr. Oberhauser. Since June 1992, Ministry joined with Ministry of Land Economy (Minister: Mr. Baco).

Department of the State Commissioner for Gabčíkovo-Nagymáros System of Water Works.

Water Economy Research Institute.

Slovak Academy of Sciences, various institutes.

Slovak Hydrometeorological Institute.

2.3 Environmental non-governmental organisations

Slovak Union of Nature and Landscape Protectors

Citizen Initiative, 'Eurochain'

Association of Towns and Villages of the Žitný Ostrov Region

World Wide Fund for Nature (WWF)

Friends of the Earth

Global 2000

2.4 Companies

Hydrostav, main state contractor company for Gabčíkovo Water Works

Hydroconsult, state engineering company for Gabčíkovo Water Works

Vodohospodarska Vystavba, state investor company in Gabčíkovo Water Works

Hydro Quebec International

Androsch International Company

3. Chronology of Events

1977: INTERNATIONAL AGREEMENT

International Agreement on Building and Operating the Gabčíkovo-Nagymáros System of Water Works signed in Budapest (16 September 1977).

1977-1989: CONSTRUCTION OF DAM, PROTESTS

Construction of the Gabčíkovo-Nagymáros System of Water Works. Larger part of the construction done on the side of the Gabčíkovo Water Works - Hrušov dam, barrage in Dunakiliti (on the Hungarian side), by-pass canal and hydro-power plant designed for peak time electricity generation. On the side of Nagymáros Water Works (Hungary) only ground work undertaken.

During the second half of the 1980s there are growing protests by experts and the public on both the Hungarian and Czechoslovak sides. Nagymáros becomes a symbol of the fight against communism in Hungary.

MAY 1989: THE FALL OF COMMUNISM IN HUNGARY

The whole anti-communist opposition is unified in fighting Nagymáros in Hungary. Hungarian Government stops all building activities at Nagymáros on 13 May 1989.

AUGUST 1989

Hungarian Government stops all works on Hungarian part of the Gabčíkovo Water Works.

The Slovak Government approves a project *Monitoring of the Natural Environment of the Territories Affected by the Gabčíkovo Water Works Construction*. The project consists of monitoring seven components: water quality, water quantity, soil, climate, biological elements, forest and water in the aeration zone. Its goal is to summarise the state of the natural environment before the Gabčíkovo Water Works is put into operation (the so called "zero state") and compare the results with conditions after the dam is in operation. The project is paid from Gabčíkovo Water Works investments and coordinated by the Natural Environment Monitoring Centre at the Slovak Hydrometeorological Institute, with participation of institutes of the Slovak Academy of Sciences.

NOVEMBER 1989: THE FALL OF COMMUNISM IN CZECHOSLOVAKIA

DECEMBER 1989-FEBRUARY 1990: FIRST ROUND OF EXPERT COMMISSIONS

The Czechoslovak Government stops all work on the Slovak side of the Gabčíkovo Water Works on 12 December 1989, except anti-flood works. The verdict, however, is not confirmed in the form of a Government Resolution.

Mr. Veselý, Slovak Minister of Forestry and Water Economy, establishes two expert commissions to evaluate the Gabčíkovo project.

The first expert commission, *Gabčíkovo-Nagymáros System of Water Works: Impact on Surface and Ground Water* (chairman: Mr. Lichvár) does not recommend the filling of the Hrusov dam according to the original plans. Later some members of the commission who were directly involved in dam construction (and who are not water quality experts) elaborate an opposite statement, after a long delay. This statement was the basis of the interpretation of the results of the whole commission by the Slovak Minister of Forestry and Water Economics, Mr. Veselý.

The second expert commission, *Gabčíkovo Water Works Landscape Ecology Evaluation* (chairman, Mr. Lisický) sets up 6 sub-commissions (1. Agriculture; 2. Fishery and Ichthyology; 3. Forestry, Forest and Hunting Management; 4. Nature Protection and Ecology; 5. Geosystems, Socio-economics and Landscape Planning; 6. Hydrology, Climatology and Hydrotechnics). The commission estimates the damage to agriculture and forestry by the original construction plan and determined the conditions that a supplementary solution should contain, besides an adequate permanent rate of water flow in the Danube river and the continuity of seasonal changes. These conditions are never fulfilled.

The work of both expert commissions is not protected from manipulation and falsification of the results. Attempts are made to discredit the competence of the experts themselves. (In March 1990, the director of the Center of Biological and Ecological Sciences, who sent his most qualified experts to work in the commissions, is asked to check their work. The Center, however, confirms the results as correct.)

The work of both commissions results in *Measures for Minimising the Impact of the Gabčíkovo Water Works Operation on the Environment* (covering research, planning, construction, international relations, etc.). The results are delivered in the first half of February 1990. At this time the third commission is due to summarise the results of both commissions from the economic point of view. However, this commission never meets and so the whole first round of expert commissions remains without relevant conclusions.

Insufficient control of the building moratorium at the dam site and the absence of penalty enforcement means that, during the work of expert commissions, construction and gravel extraction are increased (along with conservation and anti-flood work). The extent of money already invested is used as another argument for completion of the Gabčíkovo Water Works.

The Slovak Minister of Forestry and Water Economics, Mr. Veselý submits to the Slovak Government a proposal to complete the Gabčíkovo Water Works construction with the intention to return to the Nagymáros phase later, despite the results of the expert commissions (5 February 1990).

APRIL 1990: CONTINUING CONSTRUCTION OF THE GABČÍKOVO WATER WORKS

The ČSFR Government decides to replace Mr. Lokvenc by Mr. Kocinger in the position of State Commissioner for the Gabčíkovo-Nagymáros System of Water Works (5 April 1990). Mr. Kocinger works at the same time as Deputy Minister at the Slovak Ministry of Forestry and Water Economy.

The Slovak Government negotiates and accepts the *Measures for Minimising the Impact of the Gabčíkovo Water Works Operation on the Natural Environment*, prepared by an expert commission (25 April 1990). The Minister of Forestry and Water Economy, Mr. Veselý, orders the state Gabčíkovo Water Works investor company, Vodohospodárska Vystavba, to scale down the constructions (25 April 1990). However, the main state Gabčíkovo Water Works contractor company, Hydrostav, which is responsible to the Slovak Ministry of Civil Engineering, rejects the order. Negotiation between the two ministers does not result in agreement (25 May 1990). Neither the Slovak nor the ČSFR Government adopts a resolution on the issue, and so construction continues.

Environmental committees of the ČSFR Federal Assembly adopt a resolution demanding the ČSFR Government to submit a proposal for a National Park in the area of wetland forests along the Danube, Morava and Dyje rivers.

MAY 1990: RESOLUTION OF THE HUNGARIAN PARLIAMENT

The Hungarian Parliament adopts a resolution charging the Hungarian Government to negotiate with the ČSFR Government to stop all construction of the Gabčíkovo Water Works. This resolution blocked the compromise proposals from the Hungarian Government side.

JUNE 1990: DIPLOMATIC INITIATIVE OF MINISTER VAVROUŠEK

Parliamentary elections in ČSFR (4-6 June 1990).

Environment Ministers of ČSFR and Hungary, Mr. Vavroušek and Mr. Keresztes respectively, make a preliminary request for EC participation in solving the problem of the Gabčíkovo-Nagymáros Water Works, at the Dublin Conference of EC and central/east European environment ministers. The condition of the EC ministers is that both states must formally request such an intervention, and that the EC would not judge the issue but provide expertise. This resolution is not included in the final resolution of the Dublin Conference.

The State Commission for the Gabčíkovo-Nagymáros System of Water Works loses its independent character (directly answerable to the Slovak Government) and is included within the structure of the Slovak Ministry of Forestry and Water Economy (the Gabčíkovo Water Works investor).

AUGUST 1990: PROPOSAL OF ALTERNATIVE SOLUTIONS

A Presidium of the Slovak Government charges the new Slovak Minister of Forestry and Water Economy, Mr. Oberhauser, to elaborate alternative solutions for the use of the Czechoslovak part of the Gabčíkovo Water Works (27 August 1992). After a short time, seven alternatives are proposed:

- alt. A: completion of Gabčíkovo-Nagymáros System of Water Works according to the original contract with Hungary in 1977;
- alt. B: completion of the hydro-power plant in Gabčíkovo according to the 1977 contract without parallel completion of the Nagymáros dam;
- alt. C: completion of Gabčíkovo Water Works only on ČSFR territory (with smaller dam in Hrušov) without the Nagymáros dam;
- alt. D: completion of Gabčíkovo Water Works without Hrušov dam and Nagymáros dam;
- alt. E: use of Gabčíkovo Water Works only for shipping, draining of high water, and

partly for energy generation;

alt. F: termination of further construction and no dismantling;

alt. G: gradual dismantling of completed constructions, recultivation of the country into an environmentally acceptable state, in which the entire affected area would be able to fulfil all previous functions.

The Slovak Minister of Forestry and Water Economy, Mr. Oberhauser, appoints the state engineering company, Hydroconsult, to prepare technical background information for expert examination of the alternatives.

SEPTEMBER-DECEMBER 1990: SECOND ROUND OF EXPERT COMMISSIONS

Meeting of Environment Minister of ČSFR, Mr. Vavroušek, and of Hungary, Mr. Keresztes, in Hungary (5 September 1990). Minister Vavroušek proposes a bilateral expert evaluation of all seven alternatives, but states that there are only two alternatives which are practicable for ČSFR: Gabčikovo Water Works completion without Hrušov dam (alt. C) and use of by-pass canal for navigation and anti-flood protection (alt. E).

To evaluate the seven alternatives, the Slovak Minister of Forestry and Water Economy, Mr. Oberhauser, appoints six expert commissions: 1. International Law; 2. Ecology and Production; 3. Ecology and Environment; 4. Water Economy - Surface and Ground Water; 5. Hydrotechnics and Energy; 6. Economy and Production (14 September 1990). There is no consensus among the expert commissions about the best alternative. The conclusions of ecologists and environmental experts are against alternative C. The experts define several new criteria for preparing the final solution from the point of view of water economy and ecology (e.g. reduction of the volume and area of the Hrušov dam).

The commissions finish their work after 6 weeks (5 November 1990). A summary of their final conclusions should have been studied by a commission appointed by the Economic Council of the Slovak Government. This commission, however, is never formed. In contradiction to the agreed process, its role is taken by the sixth commission 'Economy and Production' consisting of dam designers, civil engineers and energy experts (chairman: Mr. Liška, the head specialist of the state engineering company, Hydroconsult).

Using one-sided interpretation of the conclusions of the expert commissions, the Slovak Minister of Forestry and Water Economy, Mr. Oberhauser, submits to the Slovak Government a recommendation for alternative C (29 December 1990).

The Slovak National Council Environment Committee adopts a resolution demanding that the ČSFR Government and the Slovak Government accept in entirety the conclusions of the expert commissions from the first quarter of 1990, to respect the opinions of the local inhabitants, to support efforts to declare the 'Danube Lowland Trilateral National Park', and to prevent nationalisation of the dam controversy (24 October 1990).

The ČSFR Federal Assembly Environment Committees recommend a synthesis of the studies and conclusions of all professional institutes and expert commissions on Gabčikovo Water

Works (10 October 1990).

ČSFR Environment Minister, Mr. Vavroušek, submits a proposal to the ČSFR Government to set up a trilateral commission with participation of ČSFR, Hungary and the EC, in order to make a complete and complex evaluation of the Gabčíkovo Water Works (i.e. all alternatives proposed by both sides) (11 September 1990). Due to unambiguously negative position of the Slovak Premier, Mr. Mečiar (19 September 1990), the ČSFR Government does not accept the proposal.

JANUARY 1991: WATER ECONOMY RESEARCH INSTITUTE STUDY

Parallel to the work of the expert commissions appointed by the Slovak Government there is continuous scientific research on water quality effects of the dam system. A colloquium of top Czechoslovak experts confirms a study by Mr. Lehocký, *Gabčíkovo-Nagymáros System of Water Works Construction: Impact on Water Quality* (21 January 1991). According to the study, there is a possibility of ground water contamination and irreversible processes causing economic losses if the Hrušov dam is filled.

Slovak Government adopts measures for preparation and realisation of alternative C (17 January 1991).

FEBRUARY 1991: MEETING OF HUNGARIAN AND SLOVAK EXPERTS FROM ACADEMIES OF SCIENCES

Meeting of experts from institutes of the Slovak Academy of Sciences and the Hungarian Academy of Sciences concerning Gabčíkovo System of Water Works.

MARCH 1991: SLOVAK NATIONAL COUNCIL ENVIRONMENT COMMITTEE RESOLUTION

Slovak Government confirms the contract with Canadian building company Hydro Quebec International on technical assistance in solving environmental problems associated with the dam (19 March 1991). The contract is worth Kčs 31 million (US\$ 1m). Scale of proposed technical assistance (in form of studies) is not sufficiently specified and its content is to a considerable extent the same as research studies which have been done already by the Slovak Academy of Sciences and other research institutes paid by the Slovak Government. There is no competition for the proposed studies. (Before submitting the contract proposal to the Slovak Government, Slovak Minister of Forestry and Water Economy, Mr. Oberhauser, participated in 1990 in a working visit to Canada organised by Hydro Quebec International.)

APRIL 1991: HUNGARIAN PARLIAMENT RESOLUTION

The Hungarian Parliament adopts a resolution on negotiating with the Czechoslovak Federal Government, requiring the government to accept only the complete cessation of all work on the Gabčíkovo Water Works. This resolution blocks the possibility to negotiate compromise proposals on the Hungarian side.

OCTOBER 1991: FIRST PART OF LEGAL PERMIT FOR ALTERNATIVE C

ČSFR Federal Assembly adopts a Resolution No.200/1991 demanding the ČSFR Government: (i) to use the new space for negotiation which has been prepared by a visit of ČSFR Environment Minister, Mr. Vavroušek, to committees of the Hungarian Parliament; (ii) to charge the ČSFR Ministry of Control to check the use of a federal grant by the Gabčíkovo Water Works investor; (iii) to respond to demands for restitution by land owners in the area of Gabčíkovo Water Works; and (iv) to prepare an analysis of the economic costs of individual alternatives of completion of the Gabčíkovo Water Works (3 October 1991).

Bratislava-Vidiek District Environmental Authority gives the construction permit for the first part of the Gabčíkovo Water Works construction according to alternative C (10 October 1991). (The law enables the Slovak Committee of the Environment to move competencies between district authorities. In the case of water protection, the competence to give water construction permits was moved from the southern district environmental authorities directly affected by the Gabčíkovo Water Works project and strongly opposing the project, to the Bratislava-Vidiek District Environmental Authority, which is not directly affected by the Gabčíkovo Water Works.)

The Slovak National Council Environment Committee adopts a resolution demanding the Slovak Government and the ČSFR Government to accept in entirety the conclusions of the expert commissions from the first quarter of 1990 (first round of expert commissions) and to respect the opinions of the local inhabitants (24 October 1991).

Meeting of environment committees of the Hungarian Parliament and the ČSFR Federal Assembly (11 October 1991). Deputies agree on the need for further negotiation and information exchange between the ČSFR Government and the Hungarian Government. They delegate the chairman of both committees to prepare a method parliamentary supervision of the governments.

NOVEMBER 1991: CONSTRUCTION OF ALTERNATIVE C BEGINS

Main state Gabčíkovo Water Works contractor, Hydrostav, starts land preparation works for construction of alternative C. These works are approved by the Slovak Government. The ČSFR Government is not informed about these activities.

DECEMBER 1991: ČSFR GOVERNMENT RESOLUTION

Third round of negotiation between the ČSFR and Hungarian Governments. Delegations do not reach agreement (15 July 1991). (Chairman of the ČSFR Government delegation: Mr. J. Čarnogurský.) ČSFR Government delegation proposes to set up trilateral expert commissions with participation of the EC and states the only acceptable alternative for ČSFR is to put the Gabčíkovo Water Works into operation. It expresses a will temporarily to stop the works in the Danube river bed until August 1992. Hungarian Government delegation insists on stopping all constructions which were not a part of original Gabčíkovo-Nagymáros System of Water Works project and does not agree with the participation of the EC in trilateral expert commissions. (New building activities in the area of Gabčíkovo Water Works negatively influenced the results of the negotiation.)

The ČSFR Government adopts a resolution on completing construction of the Gabčíkovo Water Works according to a temporary solution exclusively on ČSFR territory (12 December 1991). The construction of new objects which were not a part of the 1977 international agreement begin.

Total investments spent on Gabčíkovo Water Works until December 1991 exceed Kčs 21 billion and the costs for the "temporary solution" are estimated at Kčs 8.4 billion. All expenses for Gabčíkovo Water Works in 1991 are covered by the Slovak state budget, not including Kčs 460.5 million granted from the federal budget.

JANUARY 1992: SLOVAK NATIONAL COUNCIL RESOLUTION

A colloquium of experts confirms the results of the Water Economy Research Institute study, *Narrowed Hrušov Dam Impact on the Natural Environment*, which evaluated a modified alternative D with a narrowed Hrušov dam (authors: Bačík, Holubec, Lehocký, Lindtner, Szolgay et al.) (21 January 1992). The study is prepared in cooperation with the Slovak Academy of Sciences, the Czechoslovak Academy of Sciences, the Faculty of Natural Sciences of Palacký University Olomouc, Hydroconsult and the Faculty of Natural Sciences of Comenius University Bratislava, with the aim to minimise ecological risks of the Gabčíkovo Water Works. The study was funded by the Federal Committee of the Environment.

Environmental committees of both chambers of the ČSFR Federal Assembly adopted a resolution which says that demands included in the Federal Assembly resolution No.200/1991 were fulfilled only partially despite their urgency.

The Slovak National Council Environment Committee adopts a resolution demanding the Slovak Government: (i) to deal urgently with the modified solution of the narrowed Hrušov dam according to the Water Economy Research Institute study, *Narrowed Hrušov Dam Impact on the Natural Environment*; (ii) to use it as a compromise proposal in negotiations with the Hungarian Government delegation and to compare the costs of modified alternative D and selected alternative C; (iii) to elaborate a review of future Gabčíkovo Water Works finance; and (iv) to respect Slovak National Council Environment Committee 1990 and 1991 resolutions (16 January 1992).

Slovak National Council Plenary session discusses governmental information on *The State of the Solution to the Gabčikovo-Nagymáros System of Water Works Problem and Follow-up Plans of the Slovak Government with Respect to Environmental Aspects*, and adopts a resolution (31 January 1992).

FEBRUARY 1992: FINDINGS OF THE FEDERAL MINISTRY OF CONTROL

ČSFR Ministry of Control discovers illegal use of a grant from the Federal Committee of the Environment to state investor company, Vodohospodarska Vystavba, for the exclusive purpose of building of sewage treatment plant in Bratislava-Petrzalka (19 February 1992). The grant was used also for promoting construction of the Gabčikovo Water Works.

MARCH 1992: STUDY OF CONSULTING GROUP 'GROUND WATER' AT THE NATURAL SCIENCES FACULTY OF COMMENIUS UNIVERSITY BRATISLAVA

Based on request of the State Commissioner for the Gabčikovo-Nagymáros System of Water Works (at the Slovak Committee of the Environment), the investor Vodohospodarska Vystavba, and the ČSFR Government December 1991 Resolution, the Consulting Group 'Ground Water' (Chairman, Mr. Mucha) elaborates a study, *Optimisation of Gabčikovo Water Works Completion from the Point of View of Ground Water Impacts* (30 March 1992). (The Consulting Group was formed by the Presidium of the Slovak Government (on August 1990). The study is to form the basis for decision making concerning further development of alternative C and was used as an initial document for the PHARE project *Žitný Ostrov Ground Water Model*. The work of the Consulting group is to finish in 1993.)

APRIL 1992: PROTESTS OF LOCAL CITIZENS

The Association of the Towns and Villages of the Žitný Ostrov Region adopt a statement demanding immediate cessation of building activities on the Gabčikovo Water Works alternative C (25 April 1992).

From the 1992 Slovak state budget, Kčs 50 million are released for conservation work on the Gabčikovo Water Works project.

The ČSFR Government discusses further ČSFR policy on the Gabčikovo Water Works project and charges the chairman of the ČSFR Government delegation, Mr. J. Čarnogurský, to negotiate with Hungarian counterparts a common letter asking the EC Commission to participate in complex expert evaluation of the Gabčikovo Water Works.

The Austrian building company, Androsch International Management, undertakes to find credits of Kčs 3.5 billion for the Gabčikovo Water Works and other water constructions in Slovakia. The Slovak Government undertakes to provide state guarantees for these credits.

MAY 1992: CANCELLATION OF THE 1977 AGREEMENT

The ČSFR Government agrees with the temporary interruption of the works on Gabčíkovo Water Works alternative C, conditional upon the Hungarian Government expressing the will to look for a compromise solution. The official letter of ČSFR Premier Mr. Čalfa did not, however, include a note concerning the conditional agreement on the interruption of construction of the Gabčíkovo Water Works.

Mr. Anand K. Seth of the World Bank (Chief of the Environment Division, Technical Department, Europe & Central Asia, Middle East & North Africa Regions) confirms that the World Bank does not intend to finance the Gabčíkovo Water Works project (18 May 1992).

Mr. Thierry Baudon, Director of Infrastructure, Energy & Environmental Department of the European Bank for Reconstruction and Development (EBRD) confirms that EBRD does not intend to finance the completion of the Gabčíkovo Water Works project.

The Hungarian Parliament decides to cancel the *International Agreement on Building and Operating the Gabčíkovo-Nagymáros System of Water Works*, signed in 1977, as well as all agreements to realise it (19 May 1992). The cancellation takes effect from 25 May 1992. Among the legal reasons given for cancellation are:

- state of environmental emergency;
- the Agreement is no fulfillable owing to potential irreversible environmental damage;
- substantial change of context since 1977;
- the ČSFR has not fulfilled the obligation to secure water quality and environmental protection;
- the so called temporary solution (alternative C) breaks international law and gives a mandate for counteractions. It breaks the sovereignty and territorial integrity of Hungary, the so called main navigation line confirmed by Treaty of Trianon and Paris Peace Agreement, etc.

The ČSFR Government, in its official response to the Hungarian Government emphasises that there are no reasons for cancellation of the Agreement and therefore the Hungarian Government's statement has no legal standing.

The Department of Concrete Construction at the Civil Engineering Faculty of the Czech Technical University conducts an initial study on contract to the Federal Committee of the Environment. This analyses the work required for and the costs of gradual dismantling of the completed Gabčíkovo construction.

The Slovak Union of Nature and Landscape Protectors submits a project proposal *Solution to the damage of territory by the Gabčíkovo construction by not putting the Gabčíkovo Water Works into operation*" (alternative G) from June 1992 to December 1993 (21 May 1992). Project director: Mr. Šíbl.

SEPTEMBER 1992: BEGINNING OF THE MEDIA WAR

At a meeting with Hungarian Minister of Foreign Affairs, Mr. Jeszenszky, the Slovak Premier Mr. Mečiar states that the Slovak Government will hold to a previous Hungarian statement, "if the Slovak Government agrees with cancelling the Nagymáros Water Works then the Hungarian Government will agree with Gabčikovo Water Works completion" (3 September 1992). Hungarian Premier Mr. Antall immediately denies that the Hungarian Government has ever made such a statement.

The testing operation of the first of eight turbo-generators at the Gabčikovo Water Works begins in early September 1992.

The Slovak Minister of Finance, Mr. Tóth, says that financing of the Gabčikovo Water Works project should come from the state budget of the Slovak Republic (either from foreign sources or from state bonds) (8 September 1992).

At the meeting of the Slovak Premier, Mr. Mečiar, and his Hungarian counterpart, Mr. Antall, the Slovak Government does not accept the demand of the Hungarian Government to interrupt the works on Gabčikovo Water Works (9 September 1992). The Premiers agree on establishing a bilateral parliamentary commission for an evaluation of the Gabčikovo-Nagymáros System of Water Works from legal and economic perspectives. Another bilateral commission should review the possibilities of navigability of the Danube river to meet requirements of the Danube Commission. A third commission consisting of Hungarian, Slovak and EC experts should evaluate environmental impacts of the Gabčikovo Water Works operation.

Director of main Gabčikovo Water Works contractor company, Hydrostav, Mr. I. Čarnogurský, says that Austrian and Canadian companies are willing to finance completion of the Gabčikovo Water Works, as well as other water constructions in Slovakia, and to become their share holders (thus it would not be a credit) (10 September 1992).

Hungarian Minister of Foreign Affairs, Mr. Jeszenský, sends a proposal to Czechoslovak Minister of Foreign Affairs, Mr. Moravčík, to renew discussions about the mutual submission of a case to the International Court in the Hague to decide on the controversy. He also proposes the establishment of a trilateral commission to evaluate environmental problems of the Gabčikovo Water Works with participation of experts from both sides and the EC (15 September 1992).

The Slovak Government asks the ČSFR Government for a financial contribution to the construction of the Gabčikovo Water Works (22 September 1992) and charges the Minister of Foreign Affairs to set up a committee to deal with the problems of international law, diplomacy and publicity connected with the Gabčikovo Water Works project. The Slovak Government rejects the proposal to submit a case to the International Court in the Hague.

The ČSFR Government adopts a resolution informing the Slovak Government that finances for Gabčikovo Water Works must come from the Slovak state budget only (22 September 1992).

The ČSFR Government appoints the Slovak Minister of Land Economy, Mr. Baco, as the

new chairman of the ČSFR Government delegation for negotiation on the Gabčskovo Water Works with the Hungarian Government, replacing Mr. J. Čarnogurský (23 September 1992). The ČSFR Government also releases Kčs 6 million from the Federal Budget for international propagation of the position of ČSFR concerning Gabčskovo Water Works. (In 1992, the Gabčskovo Water Works project was not financed from the Federal Budget.) ČSFR Premier Mr. Stráský "considered the negotiation of Czechoslovak-Hungarian conflict at the International Court in the Hague, as proposed by the Hungarian Premier Mr. Antall, to be a step back in the effort to find a mutually acceptable resolution of the conflict".

The Rhein-Mohan-Danube canal is officially put into operation in Norimberg. The speech of Hungarian Premier Mr. Antall at the opening ceremony and the subsequent reaction to his speech substantially increased growing tensions between Hungary and Slovakia (25 September 1992).

OCTOBER 1992: THE LONDON PROTOCOL

The Hungarian Government announces that works to revitalise the landscape of Nagymáros would start in spring 1993 and should be completed by 1995, and will cost about US\$ 97 million (2 October 1992).

Initial negotiation between Hungarian and Slovak delegations to set up a trilateral commission with EC participation in Bratislava (13 October 1992). The delegations do not reach agreement on the mandate of the commission and on the conditions of setting up the commission. (ČSFR rejected the demand of the Hungarian Government to stop activities on the Slovak side, for example, barraging the Danube River or diverting its course during the work of the commission.)

The Hungarian representative in the Danube Commission asks the Commission to call emergency discussions in response to Slovak preparations to put the Gabčskovo Water Works into operation (14 October 1992).

There appear in the media the first mentions of potential war between Hungary and Slovakia.

The Hungarian Government informs the ČSFR Government about its desire immediately to set up a trilateral expert commission to evaluate the Gabčskovo Water Works, on condition that no measures would be accepted which might negatively affect the future results of the commission's work (18 October 1992). The Hungarian Government considers damming the Danube river to be in contradiction to such a condition.

Initial discussion between the ČSFR Government delegation and the European Commission in Brussels (18 October 1992). Chairman: Slovak Environment Minister, Mr. Zlocha.

The Hungarian State Commissioner for Gabčskovo-Nagymáros System of Water Works, Mr. Tatar, claims that the Hungarian Government has not prepared sanctions against the Slovak Republic but "counter-measures" (19 October 1992). These were already adopted by the Hungarian Government but would be used only if international law were violated.

The Slovak Minister of Environment, Mr. Zlocha, claims that the ČSFR is willing to

consider the latest proposal of Hungary according to which the objects in Gabčfkovo Water Works would be used only as a water transport route (19 October 1992).

Due to the work of damming of the Danube, the river was closed for 7 km of flow for 14 days (20 October 1992).

The Slovak Government states that the damming of the Danube would not take place according to plan, for technical reasons, but would take place by 7 November 1992. According to the Slovak Government the damming of the river is not an irreversible step and it is possible to return back to the original state at any time.

The Hungarian Premier Mr. Antall asks the French president Mr. Mitterand to mediate in the Gabčfkovo Water Works controversy with the Slovak Republic (20 November 1992).

The ĀSFR Government adopts a resolution saying that it is willing to accept conditions set by the EC for the beginning of the work of the trilateral commission (that the start of the damming of the Danube will not take place before the commission has started its work) (21 October 1992). The ĀSFR Government states that the work of the commission must be finished by 2 November 1992.

The first discussion of the delegations of the ĀSFR, Hungary and the representatives of the European Commission takes place in Brussels (22 October 1992). The ĀSFR submits a proposal to dam the Danube during the work of the trilateral commission, but not to divert water from the river bed. Hungary refuses the proposal. The opinion of the European Commission is that the main condition for the work of commission - a moratorium on construction work during the commission's work - has not been accepted.

The ĀSFR Prime Minister Mr. Stráský announces that the ĀSFR Government is prepared to accept a new statement if the European Commission declares that the damming of the Danube is an irreversible process which affects the evaluation of the whole problem (23 October 1992).

The Czech Minister of Foreign Affairs, Mr. Zieleneč, after a meeting with the German Minister of Foreign Affairs, Mr. Kinkel, (23 October 1992) reports the discontent of the EC and Germany caused by the ĀSFR Government's decision to complete the damming of the Danube by 2 November. The ĀSFR is still subject to international law and therefore the Czech Republic and the Slovak Republic together are responsible for the situation. After the return of Mr. Zieleneč to the ĀSFR, the tension between the Czech and the Slovak politicians gradually increases.

The Hungarian Government turns to the International Court in the Hague requesting it to decide on the Gabčfkovo Water Works case (23 October 1992). The State Secretary of the Hungarian Ministry of Foreign Affairs, Mr. Martonyi, at the same time announces that his government has asked the Conference on Cooperation and Security in Europe to open a so called "crisis procedure for the solution of international conflicts".

Damming of the Danube commences (24 October 1992).

The Deputy Prime Minister of ĀSFR, Mr. Baudyš, claims that the ĀSFR Government is

internationally responsible for Gabčikovo problem, but at present it is not able to prevent the actions of the Slovak Government (25 October 1992)

Negotiations between representatives of the ČSFR Government, the Hungarian Government and the EC take place in London (28 October 1992). The participants sign the *London Protocol*. According to the Protocol, all work on alternative C (except works related to navigation, flood and environmental protection) will stop for a period decided by the EC. The ČSFR Government will guarantee 95% of the minimal flow rate along the total length of the original Danube river bed and a temporary delay of the start of operation of the hydro-power plant. The trilateral work commission of three representatives of the EC, ČSFR and Hungary will review constructions involved in alternative C, and will estimate the need for flood prevention, and the risks to the environment, water economy and navigation. They will state if the constructions are reversible, and estimate the costs of landscape rehabilitation. On the basis of the commission's conclusions, further steps of a common approach will be identified. Both Hungary and ČSFR agree that the International Court in the Hague should decide on the Gabčikovo Water Works (including legal, economic and environmental aspects).

Completion of damming of the Danube river (31 October 1992).

Completion of the work of the trilateral commission on 31 October 1992. The commission's mandate was to determine the "zero" state of alternative C, to state how much water should be put into the old Danube river bed, how the flow rates would be regulated, and which constructions might be endangered. The final report which was sent to the European Commission was to be the basis for a further expert trilateral analysis of the Gabčikovo issue.

4. Barriers to Policy Implementation

Absence of a mechanism of democratic decision making

Illustrations include:

closed cabinet decisions about the future of the Gabčikovo Water Works, without public discussion;

lack of respect for resolutions of the Slovak National Council, ČSFR Federal Assembly and their environmental committees;

the Slovak Minister of Forestry and Water Economy, Mr. Oberhauser, laid off a director of the Water Economy Research Institute because expert studies of the institute did not comply with political interests of the Slovak Ministry of Forestry and Water Economy (September 1991);

the ČSFR Government found out about already started constructions only after a delay (during the discussions with the Hungarian Government in December 1991);

both the Slovak and ČSFR Governments were silent about the illegal construction of the alternative C (October - December 1992);

after commencement of the damming of the Danube, the Deputy Prime Minister of the ČSFR Government, Mr. Baudyš, claimed that "on an international level the ČSFR Government is responsible, but at present it is not able to prevent the activities of the Slovak Government" (25 October 1992).

Lack of experience of the governmental representation in effective conflict resolution

The Governments of Slovakia and Hungary have chosen confrontation instead of cooperation in finding a solution of the problem of the Gabčíkovo Water Works. The goal of the both representations was to defeat their partner. The failure of all attempts to establish open and fair dialogue was the fault of both sides (the joint proposal of the Ministers of Environment of the ČSFR and Hungary in Dublin (June 1990), a proposal of the ČSFR Environment Minister, Mr. Vavroušek, to the ČSFR Government to create a trilateral commission (November 1990), proposals of Mr. Vavroušek in the Hungarian Parliament (September 1991), resolutions of the Slovak National Council and the ČSFR Federal Parliament and their environmental committees (1990-1992), recommendations of the European Commission not to dam the Danube during the work of the trilateral commission of experts (October 1992), etc.).

Conflict of interests

In June 1990 the Department of the Slovak State Commissioner for the Gabčíkovo-Nagymáros System of Water Works was subordinated to the Slovak Ministry of Forestry and Water Economy which finances the Gabčíkovo Water Works through the state company, Vodohospodarska Vystavba. The ČSFR State Commissioner was at the same time the Slovak Deputy Minister of Forestry and Water Economy.

The most important political positions have been occupied by people directly interested in the completion of the Gabčíkovo Water Works. Mr. I. Čarnogurský (i) was the Vice-Chairman of the Slovak National Council (June 1990 - June 1992), (ii) the Vice-President of the pro-dam Christian Democratic Movement, which was the second strongest (and later the strongest) political party in Slovakia, (iii) is a director of the main state contractor company, Hydrostav. His brother, J. Čarnogurský, is (i) Chairman of the pro-dam Christian Democratic Party, (ii) Vice-Prime Minister of the ČSFR Government (until June 1990), (iii) the Vice-Prime Minister of the Slovak Government responsible among other things for the media (June 1990 - April 1991), (iv) the Prime Minister of the Slovak Government, and (v)

the Chairman of the ČSFR Government delegation for negotiations with Hungary (April 1990 - June 1992).

Engineers and technical experts from the companies involved in the Gabčíkovo Water Works construction were nominated to expert commissions which were in charge of an independent and complex evaluation of the original project and alternative solutions (during the first and the second round of expert commissions).

Representatives of Slovak investor and contractor companies became members of governmental delegations in trilateral negotiations in Brussels and in the negotiations with the Hungarian Government.

Ignoring the opinions of experts

Slovak Ministers of Forestry and Water Economy, Mr. Veselý and Mr. Oberhauser, consciously ignored the findings of expert commissions appointed by them (during the first and the second round of expert commissions) and offered to the government unconfirmed facts and statements which were in direct contradiction to the statements of experts. They ignored also conclusions of research studies which did not recommend the alternative C. The Slovak Government therefore made decisions in favour of alternative C based on distorted and unprofessional materials.

Contacts between foreign experts invited in by the Slovak government on the one hand, and Slovak environmental experts on the Danube River and the impacts of the Gabčíkovo Water Works on the other, have been inhibited, and important data unused.

Ignoring local inhabitants and environmental organisations

The Slovak Government has not considered in its decisions numerous protests of inhabitants of the Danube region and of representatives of local communities directly effected by the construction of the Gabčíkovo Water Works. The Slovak Government has not reacted to extensive protests and many compromise proposals by domestic and foreign environmental organisations to solve the Gabčíkovo Water Works problem. On the contrary, the decisions and statements of the Slovak Government have systematically turned the problem of the Gabčíkovo Water Works onto a national one.

Polarising the problem in the media - subjective information

Long-term and intense media politics by supporters of the Gabčíkovo Water Works (investors, engineers, involved political parties) has succeeded in the creation of an effective information curtain in the media. Slovak journalists are not yet prepared to create a free press - there is still a tradition of dependence on the political order, an absence of an investigative approach, etc. A second separate problem is the lack of experience of the public in evaluating critically information presented to them. The media has acted unambiguously to polarise opinion, not creating a platform for serious discussion, and has done much to turn the problem into a national one. In the last months of 1992 the

relationship between media in Slovakia and Hungary can be characterised as a war.

Nationalisation of the problem

An anti-Hungarian and anti-Czech campaign was started by Slovak supporters of the Gabčíkovo Water Works - the companies involved (mainly Vodohospodarska Vystavba, Hydrostav, Hydroconsult), the Slovak Government, political parties (mainly the Christian Democratic Movement, the Movement for Democratic Slovakia, the Slovak National Party), and the media (Narodná obroda, Praca, Slovensky dennik, etc.). Anti-Czech sentiment was directed mainly at the ČSFR Environment Minister, Mr. Vavroušek. The campaign grew in response to the decision of the Hungarian Government to stop the construction of the Nagymáros Water Works (in May 1989) and of the Hungarian side of the Gabčíkovo Water Works (August 1989), the resolution of the Hungarian Parliament requiring the Hungarian Government to negotiate only the cancellation of the agreement on Gabčíkovo-Nagymáros System of Water Works (April 1991), and the cancellation of the 1977 agreement by the Hungarian Government (May 1992).

The nationalisation of the problem has also come about through a general growth of nationalism in the region beginning in 1991 after the passing of the Slovak Language Law. The equivalent growth of anti-Slovak sentiment in Hungary, and the increasing activity of the only parliamentary Hungarian political party in Slovakia, the Hungarian Christian Democratic Party, have also fuelled the rising tension surrounding the Gabčíkovo Water Works issue.

Philosophical and world-view barriers

An effort to maximise use of natural resources, the economic evaluation of dynamic categories of nature and lack of respect for natural and historical values and future needs is a consequence of distorted conceptions about human life.

5. Individuals and Institutions: Positions and Attitudes

Individuals

Individuals can be roughly divided into a number of categories.

Representatives of the former communist regime, who supported the Gabčíkovo Water Works, and who after the political changes in 1989 had to leave political life (e.g. Mr. Lokvenc).

Engineers, energy experts and technical experts defending the original dam project, who later lobbied for solution closest to the original project, alternative C (e.g. Mr. Liška, Mr. Martinický). An admission of past error for such people would amount to a major personal defeat.

Representatives of the investor, contractor and engineering state companies (Vodohospodarska Vystavba, Hydrostav, Vahostav, etc.), who defend the interests of companies and make an effort to maximise profits at a time of economic recession and growing unemployment. Such people have often been able to use their political positions to press their own interests (e.g. Mr. I. Čarnogurský, Mr. Binder). They are seeking foreign partners and for other business opportunities in Slovakia.

Politicians pursuing their own sectoral interests, without reference to expert opinion (e.g. Mr. Veselý, Mr. Oberhauser, Mr. Mečiar, Mr. Belcak).

Politicians demanding a political dialogue based on expert opinion (e.g. Mr. Vavroušek, Mr. Huba).

Experts in ecology, environment, nature protection and water quality who have largely been ignored (e.g. Mr. Lisický, Mr. Lehocký, Mr. Szolgay, Mr. Lichvár, Mr. Holčík).

Representatives of local governments from the regions affected by the Gabčíkovo Water Works construction, who are protesting against it.

Representatives of citizens initiatives and environmental organisations protesting against the dam construction and offering alternatives to alternative C (e.g. Mr. Šíbl, Ms. Trubiniová, Ms. Benkovicsová).

Journalists who significantly contributed to the nationalisation of the problem in the media and polarisation of attitudes (e. g. Mrs. Vavrová, Mrs. Piovarciová).

Government bodies

The Slovak Government makes decisions based on materials which are not based on conclusions of research studies prepared by professional institutes and expert commissions (for example, the decision to prepare and begin alternative C). The Slovak Ministry for Forestry and Water Economy in particular ignores expert statements. The Slovak Ministry of Environment (formerly the Slovak Commission for the Environment) does not have sufficient authority within the government to be able to enforce its position. It has, for example, had to tolerate the illegal construction and operation of alternative C.

The ČSFR Federal Committee of the Environment proposed solving the political problem through dialogue and reference to scientific analysis. This led to conflicts with the Slovak Government. Some Czech politicians were unwilling to participate in the solution of the Gabčíkovo problem.

After the 1992 the Federal Committee for the Environment was quickly dismantled, with the result that its work on the Gabčfkovo problem was discontinued. The ČSFR Federal Government became increasingly unable to have any influence on the Slovak Government, despite the former being responsible for the problem under international law.

The Hungarian Government adopted an extremely uncooperative approach, for example, the resolution in April 1991 of the Hungarian Parliament restricting the Hungarian Government to negotiate only for the cancelling of the agreement on the Gabčfkovo-Nagymáros Water Works. Since then the Hungarian Government has not offered any compromise proposals, has not shown any willingness to change this resolution even with conditions, has not been professionally prepared for discussions on alternative solutions, and has instead offered a series of increasingly strong ultimatums.

Non-governmental organisations

Environmental organisations, particularly the Slovak Union of Nature and Landscape Protectors, Eurochain, Global 2000 and WWF, have put pressure on the Czechoslovak and Slovak Governments, culminating in July 1991 with the blockade of the construction site of the Gabčfkovo Dam, supported by local governments and local inhabitants. After police intervention, an extended pro-dam (pro-government) campaign in the media, and after some undiplomatic moves and tactical errors on the part of the environmentalists, this pressure has decreased. The aim of the protests was to make the Slovak Government respect expert statements in its political decision-making, to stop construction of alternative C, and to make an objective evaluation of other variants and of the quality of work done on the by-pass channel.

Enterprises

After the temporary closure of some of the construction work in early 1990 and after personnel changes in the Slovak Government, the public activities of the state companies involved in construction of the Gabčfkovo Water Works temporarily weakened (especially of Hydrostav, Vodohospodarska Vystavba and Hydroconsult). After the parliamentary elections in June 1990, however, activity was renewed with greater intensity, assisted by the media, and focused on winning over public opinion. These companies contributed to raising nationalist sentiments in Slovak society and to increasing the tensions between Slovak institutions on the one hand and Hungarian, Czech and Federal institutions on the other.

6. Conclusion

In order to prevent long-term environmental damage, conflict between Hungary and Slovakia, and the escalation of violence between Hungarians and Slovaks living in the south of Slovakia, it is essential to treat the Gabčíkovo problem at the expert level. The first steps have already been taken (trilateral commissions with EC participation), but it is now necessary to review all relevant Slovak, Hungarian and other analyses and studies and to prepare a detailed methodology and process for their evaluation, based on consensus of all parties.

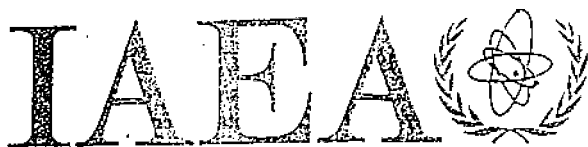
An international environmental and biological expert commission should evaluate the environmental impacts of alternative C and other alternatives. The commission should analyse ways of minimising environmental damage. (Although time is short, it is important to prepare an in-depth study which will not leave any room for misinterpretation.) Until this work is complete, it is necessary to cease operation of the dam and all building activities, excluding conservation works and flood and environmental protection works. The natural water regime in the Danube river bed should also be maintained.

The study should then be evaluated from an economic point of view (it is necessary to provide assistance for the Slovak Government in finding alternative economic and energy options). The results should be discussed with the local inhabitants.

Environmental monitoring which is independent of the Gabčíkovo investor, contractor and operator should be established, with a regular output of information for the public. The Slovak Government should review all building activities on alternative C, with reference to Slovak laws and regulations, and the nineteen conditions set by the Slovak Commission for the Environment. In case of violation of the law, the Slovak Government should take appropriate action.

At the same time it is necessary to prepare conditions for political dialogue on the Hungarian side, to make negotiation possible.

The governments should set an example of dialogue, to open the way for negotiations within the polarised Hungarian and Slovak societies, the hardest task of all.



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NUCLEAR POWER STATUS IN 1993

A total of 485 nuclear power plants were operating or being built around the world in 1993, based on data reported to the International Atomic Energy Agency (IAEA) Power Reactor Information System (PRIS). During 1993, nine nuclear power plants with altogether 8988 MW(e) were newly connected to electricity grids in Canada, China, France, Japan, Russia and the USA, bringing the world's total number of operating reactors to 430 in 29 countries and Taiwan, China. Additionally, a total of 55 reactors were reported as being constructed in 18 countries. In 1993 the commencement of the construction of six reactors with a total capacity of 3665 MW(e) was reported: in Japan (1), Republic of Korea (2), Pakistan (1), and Russia (2).

Nuclear power's share of electricity production remained high in 1993, in eight countries -- Lithuania, 87.2%; France, 77.7%; Belgium, 58.9%; Slovak Republic, 53.6%; Hungary, 43.3%; Republic of Korea, 40.3%; Sweden, 42.0% and Slovenia, 43.3% -- representing close to half or more of their total electricity use. All in all, 17 countries (including Taiwan, China) relied upon nuclear power plants to supply at least a quarter of their total electricity needs.

Worldwide in 1993, total nuclear power generation amounted to more than 2096.6 terawatt-hours of electricity. This is more than the world's total electricity generation -- 1912 terawatt-hours -- from all sources in 1958. Cumulative worldwide operating experience from civil nuclear reactors at the end of 1993 was over 6900 years.

A table showing the electricity supplied by nuclear power reactors in 1993 and the respective percentages of electricity produced by nuclear energy is attached.

Nuclear Power Reactors in operation and under construction at the end of 1993

Country Name	Reactors in operation		Reactors under construction		Electricity supplied by nuclear power reactors in 1993		Total Operating Experience to end 1993	
	No of units	Total MW(e)	No. of units	Total MW(e)	TW(e).h	% of total	Years	Months
Argentina	2	935	1	692	7.2	14.2	30	7
Belgium	7	5527			39.5	58.9	121	7
Brazil	1	626	1	1245	0.4	0.2	11	9
Bulgaria	6	3538			14.0	36.9	71	1
Canada	22	15755			88.6	17.3	304	11
China	2	1194	1	906	2.5	0.3	2	5
Cuba			2	816				
Czech R	4	1648	2	1824	12.6	29.2	30	8
Finland	4	2310			18.8	32.4	59	4
France	57	59033	4	5815	350.2	77.7	766	5
Germany	21	22559			145.0	29.7	469	1
Hungary	4	1729			13.0	43.3	34	2
India	9	1593	5	1010	5.4	1.9	110	3
Iran			2	2392				
Japan	48	38029	6	5645	246.3	30.9	603	7
Kazakh.	1	70			0.4	0.5	20	6
Korea RP	9	7220	7	5770	55.4	40.3	81	1
Lithnia	2	2370			12.3	87.2	16	6
Mexico	1	654	1	654	3.7	3.0	4	9
Netherlands	2	504			3.7	5.1	45	9
Pakistan	1	125	1	300	0.4*	0.9*	22	3
Romania			5	3155				
Russia	29	19843	4	3375	119.2	12.5	468	6
S. Africa	2	1842			7.2	4.5	18	3
Slovak R	4	1632	4	1552	11.0	53.6	53	5
Slovenia	1	632			3.8	43.3	12	3
Spain	9	7101			53.6	36.0	128	8
Sweden	12	10002			58.9	42.0	195	2
Switzerland	5	2985			22.0	37.9	93	10
UK	35	11909	1	1188	79.8	26.3	994	2
Ukraine	15	12679	6	5700	75.2*	32.9	143	11
USA	109	98784	2	2330	610.3	21.2	1810	8
	430	337718	55	44369	2093.4		6902	2

Note: The total includes the following data in Taiwan, China:

- 6 units, 4890 MW(e) in operation;
- 33 TW(e).h of nuclear electricity generation, representing 33.5% of total electricity generated there;
- 74 years 1 month of total operating experience.

Values with asterisk are IAEA estimates.

Construction starts during 1993

Japan	JP-56, Kashiwazaki Kariwa-7,	BWR
Korea RP	KR-15, Wolsong3,	PHWR
	KR-16, Wolsong4,	PHWR
Pakistan	PK-2, Chasnupp-1	PWR
Russia	RU-132, South Urals 1	FBR
	RU-133, South Urals 2	FBR

Connection to the grid during 1993

Canada	CA-25, Darlington-4	PHWR
China	CN-2, Guangdong-1	PWR
France	FR-68, Golfech-2	PWR
Japan	JP-45, Genkai-3	PWR
	JP-49, Hamaoka-4	BWR
	JP-53, Kashiwazaki Kariwa-4	BWR
	JP-48, Shika-1	BWR
Russia	RU-99, Balakovo-4	PWR
USA	US-446, Comanche Peak-2	PWR

(Source IAEA PRIS)

Annex 95

BBC, SUMMARY OF WORLD BROADCASTS, EE/0476 A2/1 — EXCERPTS, 7 JULY 1989

[Excerpts omitted]

[Question] Comrade Deputy Chairman, no doubt the viewers will be interested to know what the questions are and what facts led the Hungarian side to suspend the building of Nagymaros.

[Answer] We have been aware from the very beginning that the project will represent, naturally, interference with nature. That is why ecological points of view have to be considered — firstly — the influence of the water barrage on forests, the influence of the water barrage on the underground water level, the influence of the water barrage on the preservation of fauna and flora — furthermore, questions which lead towards clarification as to how it is possible to characterise the Nagymaros area from the seismic point of view. We are of the opinion that this area is a clam area from this point of view, but we should still discuss it. Furthermore, the Hungarian side has indicated that one has to research some aspects of the quality of water and supplies of drinking water to Budapest. And last but not least, I should like to say that we have decided to nominate a working group with the aim of enumerating the effects on the Czechoslovak side in case of any decision which would lead towards suspension of the building of the water barrage, or part of the water barrage of Nagymaros. All the central bodies have promised actively to help in this endeavour.

[Excerpts omitted]

BBC, SUMMARY OF WORLD BROADCASTS, EE/1527 I, 2 NOVEMBER 1992

Slovak Premier prepared to stop dam project "if is harmful to the environment" (EE/1523 I) Vladimir Meciar was asked on 31st October, the last day of a visit to Austria, whether he would be prepared to stop the Gabcikovo project if the EC Commission concluded that he should, Radio Czechoslovakia reported. According to the radio, Meciar replied: "If practice shows that the Gabcikovo water barrage is harmful to the environment, then we would halt it – and the question of responsibility would have to be tackled." CSTK noted that the EC Commission had yet to receive the report which a group of experts had been due to submit that day after examining the situation on the spot.

Meanwhile, Hungarian Radio cited a Czechoslovak manger [*sic*] at the site as saying on the 31st that construction of the Cunovo dam had been completed and that "diversion works continue according to plans". The radio also said that 450 Hungarian environmentalists had crossed the border that day intending to visit the site but that they had returned to Hungary after being turned away by Slovak police.