

Draft, May 2003

Agreement

between the Government of the Russian Federation, the Government of the Republic of Belarus and the Government of the Republic of Latvia on cooperation in the field of use and protection of water resources in the Zapadnaya Dvina/Daugava River Basin

The Government of the Russian Federation, the Government of the Republic of Belarus and the Government of the Republic of Latvia, hereinafter referred to as the "Parties",

recognizing that the regulation of economic activity in the Zapadnaya Dvina/Daugava River Basin can be implemented solely with regard for the interests of all the states that are Parties to the present Agreement,

taking into account the importance of the river for the socio-economic development of the regions of the states of the Parties lying within the Zapadnaya Dvina/Daugava River Basin,

striving to achieve a rational use and adequate protection of water resources of Zapadnaya Dvina/Daugava River Basin,

realizing that the protection and rational use of water resources of the Zapadnaya Dvina/Daugava River Basin are possible only through the implementation of purposeful and co-ordinated measures,

taking as the basis the principle of reasonable and equitable use of water resources of the Zapadnaya Dvina/Daugava River Basin,

being guided by the provisions of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of 17 March 1992,

taking into consideration the provisions of the Convention on the Protection of Marine Environment of the Baltic Sea Area of 9 April, 1992,

have agreed as follows:

Article 1 Definitions

For the purposes of the present Agreement:

1. «Transboundary impact» means any significant adverse effect on the environment, safety and health of the population of the states of other Parties, including the condition of natural ecosystems and other natural and material objects resulting from the change in water condition caused by anthropogenic activity the physical source of which is situated wholly or partly within the territory of the state of one of the Parties.

2. «Emergency situation» means a situation arising out of an industrial accident, natural or other disaster, which resulted or could result in the loss of human life, hazard to human health or environment, significant material losses or disturbance of the conditions of human vital activity.

Article 2 Scope of Agreement

The present Agreement applies to water resources of the Zapadnaya Dvina/Daugava River Basin including its surface and the related ground waters.

Article 3 Aims of Agreement

Aims of the present Agreement are the organization of cooperation of the Parties in the sphere of protection and a rational use of water resources of the Zapadnaya Dvina/Daugava River Basin in the interests of the residents and sustainable development of economy of the member-states.

Article 4 General obligation to cooperate

1. The Parties to the present Agreement shall co-operate on the basis of the principles of sovereign equality, territorial integrity, mutual benefits and good neighbourly relations.

2. To achieve the aims of the present Agreement the Parties undertake to:

elaborate and implement mutual measures and projects concerning the use, protection and restoration of water sources;

cooperate in research, elaboration of standards, methods of assessment and classification of water quality and sources of pollution, elaboration and implementation of coordinated water resources monitoring programmes, creation of compatible information systems, intercalibration of laboratory analysis techniques;

undertake, where necessary, joint water resources management and protection measures;

co-operate in the elaboration and application of the best available technology and practices of pollution prevention and rational use of water resources, effective treatment facilities and water-saving industrial technologies

exchange, on a regular basis, the hydrological, meteorological and ecological data, as well as the information on water quality, pollution sources and related forecasts;

inform the public of the condition of water resources and the current or planned measures for prevention, control and reduction of transboundary impact;

encourage co-operation between the state bodies and local authorities, institutions, enterprises and public organisations in the field of joint use and protection of water resources;

co-ordinate their efforts to seek technical and economic assistance from the international organisations and the third countries in order to attain the aims of the present Agreement.

Article 5 Prevention of transboundary impact

To prevent the transboundary impact, the Parties shall:

individually and, where necessary, jointly take measures to prevent, control and reduce the pollution of water resources;

refrain from any actions, which may result in the deterioration of the hydrological and hydrochemical regimes of water resources of the Zapadnaya Dvina/Daugava River Basin and the condition of the related ecosystems;

take measures to prevent or mitigate the harmful impact of water, including floods, ice condition, water transmitted diseases, silting, or erosion;

ensure proper maintenance of hydrotechnical, water protection and flood-regulating structures.

Article 6 Environmental impact assessment

1. Parties shall perform an environmental impact assessment and ecological expert examination of design documents for construction and reconstruction of the facilities that may cause a transboundary impact on the condition of water resources in the Zapadnaya Dvina/Daugava River Basin. Such assessment shall be conducted, inter alia, with respect to major industrial facilities, dams and reservoirs, river ports, and substantial irreversible withdrawal of surface and ground water.

2. The Parties, where necessary, shall agree on the joint environmental impact assessment or ecological expertise.

Article 7 Monitoring and assessment

1. The Parties shall conduct monitoring in accordance with the coordinated programmes in order to obtain regular information on the condition of water resources in the Zapadnaya Dvina/Daugava River Basin and to forecast its possible changes. The monitoring data shall be freely accessible to the Parties, which exchange them following the agreed procedures.

2. The Parties shall conduct, jointly or in coordination with each other, a regular assessment of the condition of water resources, as well as of the effectiveness of measures taken for the prevention, control and reduction of transboundary impact. Results of such assessments shall be made available to the public.

Article 8 Access to information

The Parties shall ensure the right of access of the public to the information specified under Article 7 of the present Agreement and the participation of local authorities and the public in resolving the issues related to the use and protection of water resources of the Zapadnaya Dvina/Daugava River Basin. The access procedure and content of such information shall be determined by the regulatory legal acts of national legislation of the Parties.

Article 9 Emergency situations

1. The Parties shall cooperate in prevention and elimination of harmful consequences in emergency situations.

2. In case of emergency or a threat thereof, which may cause a transboundary impact, the Parties shall:

immediately inform each other;

where necessary, cooperate with other Parties in the operational assessment and forecasting of such situation;

upon request of the interested Party, provide adequate assistance to it in order to prevent, mitigate and eliminate harmful consequences of such a situation.

Article 10 Responsibility of Parties

The Parties shall be responsible for the fulfilment of their obligations under the present Agreement.

Article 11 Notification and consultation

1. The Party planning to conduct an activity, which may have a transboundary impact within the territory of the state of the other Party, shall, prior to implementing such measures, notify such Parties and inform the Commission specified under Article 12 of the present Agreement. Such notification shall be accompanied by engineering data and other necessary information.

2. Where necessary, the Party shall conduct the relevant consultations on the planned measures. The arising disputes and disagreement shall be settled in accordance with Article 14 of the present Agreement.

Article 12 Commission

1. To accomplish the aims of the present Agreement the Parties shall establish a joint Russian-Byelorussian-Latvian Commission on the use and protection of water resources of the Zapadnaya Dvina/Daugava River Basin, hereinafter referred to as the "Commission".

2. The Commission shall perform its functions under the guidance of three co-chairmen appointed by the Parties and having equal rights. The membership of the Commission shall be determined by the co-chairmen in accordance with the principle of equal representation of the Parties.

3. Within two months after the date of the entry into force of the present Agreement, the Parties shall inform each other via the diplomatic channels on the nomination of co-chairmen of the Commission. The latter shall agree on the membership of each national delegation.

4. The Commission shall convene at least once a year. The first meeting of the Commission shall be held no later than six months after the date of the mutual notification of the Parties of the nomination of the co-chairmen.

5. The Commission shall have the right to establish working groups and to invite experts to participate in its work.

6. The meetings of the Commission, its working groups and experts shall be held alternately in the territories of the states of the Parties.

7. The expenses on organisation and convening of the meeting shall be incurred by the host Party. The expenses related to participation in the meeting of the Commission shall be covered by the sending Party.

8. The official languages of the Commission and its working groups are Russian, Byelorussian and Latvian. The working language of the Commission is Russian.

9. The decisions of the Commission and its working groups shall be taken by consensus.

Article 13 Competence of the Commission

The competence of the Commission includes:

co-ordination of activities and consideration of the results of implementation of the present Agreement;

organisation of elaboration of mutual programmes and projects concerning the use, restoration and protection of water resources including measures aimed at attracting funds necessary to implement the planned activities;

co-ordination of plans, projects and research programmes;

elaboration of co-ordinated monitoring programmes of water resources condition in the Zapadnaya Dvina/Daugava River Basin including the application of the approved methodologies, measurement systems, procedures of data processing and assessment;

elaboration of unified target water quality indicators and criteria, inventory and control of both point and diffuse sources of pollution, as well as proposals on measures aimed at maintaining and improving the present water quality, including plans to reduce the anthropogenic load;

elaboration of proposals on improving the regulatory legal acts of the states of the Parties concerning transboundary waters;

organization of the exchange of current and operational information on the condition of water resources using compatible information systems;

development of proposals on the procedures for joint actions in emergency situations;

providing information to the public on the condition of water resources of the Zapadnaya Dvina/Daugava River Basin and its activities;

assistance in resolving any matters of difference concerning the use and protection of water resources;

co-operation with international river basin commissions and other international and national institutions on the issues of rational use and protection of water resources including the involvement of these organizations for rendering services with respect to any matters related to the objectives of the present Agreement;

offering the opportunity to representatives of other concerned states, international and non-governmental organisations to participate in the work of the Commission as observers;

other issues related to the protection and rational use of the Zapadnaya Dvina/Daugava River Basin water resources.

Article 14 Settlement of disagreement and disputes

1. Any matters of difference or disputes arising out of the use and protection of water resources of the Zapadnaya Dvina/Daugava River Basin may be referred by the Parties for the consideration of the Commission, which shall examine the facts and circumstances relevant to the above mentioned matters of difference or disputes and shall assist in their resolution. Should the Commission fail to satisfactorily resolve matters of differences or disputes, it shall submit its conclusions and recommendations to the Parties.

2. Disputes not resolved by the Commission, as well as disputes concerning the interpretation of the present Agreement, shall be settled by negotiations or by other means of peaceful settlement of international disputes by agreement of the Parties.

Article 15
Amendments and supplements

Amendments and supplements to the present Agreement shall be adopted by the Parties within the Commission by consensus and enter into force on the date of the exchange of notes of approval of the Parties.

Article 16
Obligations under other agreements

1. The present Agreement shall not affect the rights and obligations of the Parties under prior international agreements concluded by them.

2. Nothing in the present Agreement shall prevent from the bilateral co-operation of the Parties under the Agreement, provided that such cooperation shall not affect the legal rights and interests of the third Party.

Article 17
Concluding remarks

The present Agreement shall enter into force on the date of its signing and shall be valid within five years. The Agreement shall be automatically extended for the next five year period, unless the Party intending to terminate the present Agreement informs thereof the other Parties by written notification at least twelve months before termination of the relevant five-year period.

Termination of the present Agreement shall not affect the execution of measures commenced within the validity period of the present Agreement.

Effected on _____ « » 200... in three copies in the Russian, Byelorussian and Latvian languages each, all texts being equally valid. Should any disputes arise about the interpretation of the provisions of the present Agreement, the Russian text shall prevail.

On behalf of
the Government of the Russian
Federation

On behalf of the
Government of the
Republic of Belarus

On behalf of the
Government of the
Republic of Latvian