

No. 7804

**FINLAND
and
UNION OF SOVIET SOCIALIST REPUBLICS**

Agreement concerning frontier watercourses (with exchange of letters). Signed at Helsinki, on 24 April 1964

Official text : Finnish and Russian.

Registered by Finland on 4 June 1965.

**FINLANDE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord relatif aux eaux frontières (avec échange de lettres).
Signé à Helsinki, le 24 avril 1964**

Textes officiels finnois et russe.

Enregistré par la Finlande le 4 juin 1965.

[TRANSLATION — TRADUCTION]

No. 7804. AGREEMENT¹ BETWEEN THE REPUBLIC OF FINLAND AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING FRONTIER WATERCOURSES. SIGNED AT HELSINKI, ON 24 APRIL 1964

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics, desiring to define the principles governing the use of the common frontier watercourses of Finland and the Soviet Union and to establish a régime for their use, have decided to conclude the present Agreement and have for this purpose appointed their Plenipotentiaries, who, having exchanged their full powers, found in good and due form, have agreed as follows :

CHAPTER I

GENERAL PROVISIONS

Article 1

For the purposes of this Agreement, lakes, rivers and streams which are intersected by the frontier line or along which the frontier line runs shall be deemed to be frontier watercourses.

The Agreement of 23 June 1960² between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning the régime of the Finnish-Soviet State frontier and the procedure for the settlement of frontier incidents (hereinafter referred to as "the 1960 Agreement") specifies which sections of frontier watercourses are deemed to be frontier waters for the purposes of the said Agreement.

Article 2

No measures may be taken, in disregard of the procedure laid down in chapter II of this Agreement, in frontier watercourses or on the banks thereof which might so alter the position, depth, level or free flow of watercourses in the territory of the other Contracting Party as to cause damage or harm to the water area, to fisheries, to land or to structures or other property; which might create a danger of flooding, cause a significant loss of water, alter the main fairway or interfere with the use of the common fairway for transport or timber-floating; or which might in some other like manner be prejudicial to the public interest. The same shall apply to measures which alter or block the fairway or change the

¹ Came into force on 6 May 1965, thirty days after the date of the exchange of the instruments of ratification which took place at Moscow on 6 April 1965, in accordance with the provisions of article 21.

² United Nations, *Treaty Series*, Vol. 379, p. 277.

course thereof, even where such measures would not have the aforementioned consequences. The Contracting Parties shall ensure that frontier watercourses and structures situated therein are maintained in such a state that the damage or harm referred to in this article does not ensue.

In cases where regulation of the flow of water or some other measure required for transport, timber-floating, fisheries or other purposes is of interest to only one Contracting Party, the necessary works in the territory of the other Contracting Party shall be executed at the expense of the first-mentioned Party.

The provisions of this article shall also apply to such basins of watercourses as consist, in part, of frontier watercourses.

Article 3

The Contracting Parties shall ensure that the main fairways of frontier watercourses are kept open for the free flow of water and for transport, timber-floating and the passage of fish.

In rivers and in the narrow passages and narrow portions of lakes which are regularly used for transport or timber-floating or are main routes for the passage of fish, the main fairway shall be deemed to consist of one-third of the width of the watercourse at its deepest point at mean water-level. Where the main fairway is required for transport or timber-floating, its width shall not be less than seven metres.

Article 4

The Contracting Parties shall take measures to ensure that frontier watercourses are not polluted by untreated industrial effluents and sewage, by waste materials from timber-floating or wastes from ships or by other substances which, immediately or in course of time, might cause shoaling of the watercourses, harmful changes in the composition of the water, damage to the fish-stock or substantial scenic deterioration or might endanger public health or have similar harmful consequences for the population and the economy.

The Contracting Parties shall, to the extent required, jointly decide upon the standards of quality to be set for the water in each frontier watercourse or part thereof and shall, in accordance with the procedure laid down in chapter II, co-operate in keeping the quality of the water in frontier watercourses under observation and in taking measures to increase the self-cleansing capacity of the said watercourses.

Where certain measures might cause pollution of a watercourse or part thereof and reduce the self-cleansing capacity of the water in the territory of the other Contracting Party, such measures may only be carried out subject to the conditions specified in chapter II of this Agreement.

Article 5

Where the execution of certain measures by one Contracting Party causes loss or damage in the territory of the other Contracting Party, the Contracting Party permitting such measures in its territory shall be liable to make reparation to the Party suffering the loss or damage. Each Contracting Party shall ensure that reparation for the loss or damage is made to nationals, organizations and institutions of its own country.

The Contracting Parties may agree separately to make reparation for any loss or damage caused by the measures referred to in this article by granting the Party suffering the loss or damage certain privileges in the watercourses of the other Party.

CHAPTER II

PROCEDURAL PROVISIONS

Article 6

The Contracting Parties shall establish a Joint Finnish-Soviet Commission on the Utilization of Frontier Watercourses (hereinafter referred to as "the Commission") to deal with the matters provided for in this Agreement. Each Contracting Party shall appoint three members and three alternates to the Commission. In addition, each Contracting Party shall make available to the Commission a secretary and any necessary experts.

Article 7

At meetings of the Commission, the chairmanship shall be held alternately by a member of the Commission appointed to that post by each Contracting Party. In other respects, matters shall be dealt with in accordance with rules of procedure adopted by the Commission.

Article 8

The Commission shall, on the instructions of the Contracting Parties or on its own initiative, examine and deal with matters relating to the utilization of frontier watercourses and the other matters referred to in articles 2 and 4. The Commission shall, in addition, ensure that this Agreement is complied with and shall keep the state of the water in frontier watercourses under observation.

Article 9

Where one Contracting Party wishes to take measures in watercourses in its own territory or in the territory of the other Contracting Party which will have the consequences indicated in articles 2 and 4, the said measures shall be

notified to the Government of the other Contracting Party, which may, within two months after receipt of notification, make such observations as it considers necessary. The Contracting Parties may agree to refer the matter to the Commission for a decision or opinion.

Article 10

In dealing with matters placed before it, the Commission may arrange for any necessary technical research to be carried out and may obtain any appropriate clarification; where a matter has been referred to it for a decision, it may specify the manner in which the proposed measures are to be carried out.

Save as otherwise provided in this Agreement, the provisions of the law in force in each country shall be taken into account in any decision.

Where, under the law of one of the Contracting States, permission must be obtained from the competent authorities for construction work or other measures in the territory of that State, the Commission shall, in dealing with or deciding the matter, request the opinion of the said authorities before taking a decision.

Where a certain measure may have significant effects in the territory of one of the Contracting Parties, or where the Commission fails to reach the decision provided for in the first paragraph, the Commission shall submit the matter to the Governments of the Contracting Parties for consideration.

The Governments may confirm the decision submitted by the Commission or conclude a special agreement concerning execution of the measure.

Article 11

Where a matter is referred to the Commission for decision, a unanimously adopted decision of the Commission shall be binding on both Contracting Parties and shall be as valid and enforceable as a decision of the governmental or judicial authorities of the State concerned.

Decisions of the Commission shall become binding on both Contracting Parties if neither of them expresses an objection within a period of two months.

Where, however, a matter affects only one Contracting Party, the Commission may refer it to the competent authorities of the said Party for decision.

Where the digging or maintenance of ditches or some other minor measure will not significantly affect water conditions in the territory of the other Contracting Party, the frontier commissioners referred to in the 1960 Agreement may settle the matter in accordance with the procedure laid down in that Agreement. The frontier commissioners' decision in the matter shall be communicated to the Commission.