



Semana temática: Agua, Recurso Único

Eje temático: Aguas compartidas

Título de la ponencia: *The Danube waters management: bilateralism and multilateralism from Hungarian viewpoints*

Author: Kálmán Papp¹.

¹Coordinador Internacional de la Dirección General de Agua y Medio Ambiente de Hungría.

Abstract:

International cooperation in the field of water management started in the Danube Valley after the I. World War with the activity of Commission Regimes des Eaux du Danube (CRED). Even the first bilateral water commissions were created in Hungarian-Roumanian, Hungarian-Austrian and Hungarian-Czechoslovak relations. After the II. WW five new bilateral agreements were concluded with the neighbour states. COMECON also provided framework for multilateral cooperation (see the Tisza Case). After river regulation, hydrographic measurements, flood protection the pollution control emerged as important topic for transboundary cooperation. Sofia Convention provided framework for renewed multilateral cooperation in the Danube Valley. ICPDR became important coordinating body in the implementation of WFD EU as well. In the case of Tisza river different initiatives from international organisations provided basis for more pragmatic international projects.

Foreword

Man and River are connected to each-other throughout the history all over the Globe. This is the case with the Danube river which is the second biggest river in Europe and the most international river all over the world. Its longitud is 2780 km. The area of the basin is roughly 801.000 km², which is shared by 19 countries. This fact itself testifies the importance of international co-operation for the management of the river and its basin.

The protection against the damages caused by water and the use of water for farming or other activities needed co-operation among the riparian countries. Since water doesn't respect the borders co-operation became important not only on national but on international level as well.

The international co-operation developed both in bilateral and in multilateral relations. In some periods the bilateralism was stronger, in other periods the multilateralism was more typical. Even the two sort of co-operation frameworks were connected to each-other.

This lecture tries to summarize the history of bilateral and multilateral water management co-operation in the Danube River Basin from the point of view of Hungary. Our country is in the middle of the basin and the international co-operation bears utmost importance for us.

The start of international co-operation after the I. World War.

I should like to add to the picture of the nowadays situation some facts from the past. The recent multi- and bilateral co-operations in the Danube basin have their roots in the activity of the **Commission de Regime des Eaux du Danube (CRED)** which was created after the first World War by the Trianon Treaty. The CRED initiated the first bilateral frontier water agreements or as we nowadays name them, transboundary water agreements between the interested states.

Upon the initiative of the CRED were concluded the following bilateral agreements:

the Hungarian-Austrian Water Regime Agreement (1923)
the Hungarian-Romanian Water Regime Agreement (1924)
and
the Hungarian-Czechoslovakian Water Regime Agreement (1928).

For solving the water management problems of the **Transcarpathian Region** a trilateral (**Czechoslovak-Hungarian-Romanian**) commission was created.

The CRED itself and hese commissions provided the first frame for the international co-operation for the Danube Waters Management. The most important questions discussed and agreed in these commissions were the flood protection and the works executed by the water boards in the frontier or transboundary region. We may say that in this period the multilateral CRED governed the activities of the bi- or trilateral transboundary commissions.

Bilateral developments after the II. World War

After the II. WW the situation changed depending from the new political situation. The Paris Treaty legally annulled the CRED without initiating a new multilateral body. In bilateral relations after a transitional period new transboundary water agreements were concluded with the neighbouring countries on government level in the following relations:

Hungary-Sovietunion (1949)

Hungary-Romania (1950)

Hungary-Czechoslovakia (1954)

Hungary-Yugoslavia (1955)

Hungary-Austria (1956)

With the exception of the Hungarian-Yugoslavian and Hungarian-Austrian agreements the other three agreements were renewed or modified some occasions. After the political and social changes of the early 1990s new independent states were formulated (Slovakia, Ukraine, Croatia, Slovenia) which influenced new transboundary water agreements.

In the Slovakian relation both state declared to use the renewed Hungarian-Czechoslovak Frontier Water Agreement from 1976.

In 1993 the new **Hungarian-Ukrainian** agreement simply substituted the earlier Hungarian-Soviet one. This agreement was replaced four years later with a new agreement that established a new model of co-operation.

In 1994 were concluded the **Hungarian-Slovenian**, and the **Hungarian-Croatian** transboundary water agreements.

These new agreements already referred to the principles of the „Convention on Protection and Use of Transboundary Watercourses and International Lakes” (**Helsinki Convention**) and of the „Danube River Protection Convention” (**Sofia Convention**).

The structure and main tasks of the frontier water commissions

The frontier water commissions are built up by subcommissions or working groups. Subcommissions were created either by the catchment principle (like **Tisza Subcommission** with Czechoslovakia or later with Slovakia and with Yugoslavia) or by technical and administrative principles (like **Water Management Subcommission**, **Hidrometeorological Subcommission** with the Sovietunion and Romania, **Financing Subcommission** with Czechoslovakia or later with Slovakia).

In each relations are performed regular water level and volume measurements in agreed cross-sections of the transboundary river. The partners also checking yearly the state of the dykes and the hydrotechnical constructions in the frontier region which have mutual interest. The contracting parties also have to agree the development plans and technical plans. In some relations year by year very strictly evaluated the afforded costs by the partners using so called agreed equivalents. Apart from these agreed costs the interested sides are financing themselves on their territories the construction activities.

Very keen topic was in each relation the water balance of the transboundary rivers. Principally the use of water resources was fixed fifty-fifty between the contracting sides, but usually the question arose fifty percent of what? Also was very important to agree on the amount of „ecological water” to let in the bed of the transboundary watercourses.

From the sixties were formulated the **Water Quality Subcommissions** and experts started the relevant agreed measurements which was followed by the common evaluation of water quality data between the competent laboratories.

The water quality measurements became more often in the transboundary water management co-operation. Besides the chemical parameters the bacteriological parameters were also measured. In some relations experts started to work on forecasting the tendencies of water quality in the transboundary watercourses

The start of multilateral co-operation in the Tisza sub-basin

From the point of view of the historical authenticity we have to mention that in the field of water management a multilateral co-operation existed already within the framework of **COMECON**. Under the auspices of the **Water Management Leaders Conferences** worked a special working group which dealt with the water management problems of the Tisza river in 9 topics. Such topics were: water resources management, flood protection, water pollution control etc. Even a **Master Plan** was prepared for the Tisza river.

The importance of water quality protection was expressed by the first multilateral convention which directly focused on the Tisza river. In 1986 a multilateral convention¹ was undersigned in Szeged (Hungary) to protect the water quality of river Tisza by the five riparian countries.

The Sofia Convention and the ICPDR

The Convention on Co-operation for the Protection and Sustainable Use of the River Danube (Danube River Protection Convention) forms the overall legal instrument for the multilateral co-operation on water management in the Danube River Basin. The Convention was signed in 1994 in Sofia (Bulgaria) by eleven riparian states – Austria, Bulgaria, Croatia, the Czech Republic, Germany, Hungary, Moldova, Romania, Slovakia, Slovenia and Ukraine – and the European Community, and came into force in 1998. From the place of undersigning it is referred as the Sofia Convention too. It aims to ensure that the surface waters and groundwaters within the Danube River Basin are managed and used sustainably and equitably. This involves:

the conservation, improvement and rational use of surface waters and groundwaters,
preventive measures to control hazards originating from accidents involving floods, ice or hazardous substances;
measures to reduce the pollution loads entering the Black Sea from sources in the Danube River Basin.

¹ Convention on measures to combat pollution of the Tisza river and its tributaries

The ICPDR since its organisation focused on the Danube level matters (Danube Regional Project, river basin management and implementation of WFD for the whole basin, Flood Action Programme, monitoring, emissions, accident emergency prevention, ecology).

Later it was recognized that the important tributaries of the Danube river, such as the Tisza or the Sava must be treated independently from the point of view of international co-operation.

New challenges and developments

After the turn of the century new challenges emerged. These are the **pollution** caused by outdated industrial and mining technologies, the historically growing level of **floods**, the **deforestation** and **loss of biodiversity**. All these threats are inter-related issues which have impacts on many sectors of national economy of the interested countries and further on are largely transboundary issues by their nature.

Therefore it was realized that the earlier bilateral tools are not enough for the solution of the problems and a real multilateral co-operation needed in the Tisza basin as well.

The cyanid and heavy metal pollutions which happened in 2000 on the Tisza river and on its tributaries called the attention for more severe control on industrial, mining and agricultural activities from the point of view of possible polluting sources. These „hot spots” were checked and listed on the whole Danube basin and at the same time for the Tisza sub-basin as well. An **Environmental Protection Programme** for the whole Tisza basin was initiated in 2001. by the Hungarian Ministry for Environment. The programme initiated common monitoring, better public participation, minimising the transboundary pollutions, development of forecasting for pollution control purposes, capacity building etc.

Taking into consideration of the consequences of heavy floods on the river Tisza in the period of 1998-2000 the responsible Ministers in the Tisza Valley signed the **Budapest Declaration** that defined the necessary joint actions to reduce the danger caused by the floods of the Tisza river.

During the ministerial meetings of the **Tisza Water Forum** reviewed the current issues of the national flood control policies, there was regular exchange of information on the developments related thereto, the interested Parties harmonised the national flood control developments, identified the common flood control and flood emergency measures.

The **Tisza River Basin Flood Control Concept** was accepted in 2002 at the Ministerial Meeting. Since 2004 the activity of the Forum came to a standstill mainly by problems of financing.

Hungary in its **Position Paper**² welcomed the initiative to execute an integrative approach to develop the Tisza river basin co-operation. The next important step in the multilateral co-operation was the undersigning a **Memorandum of Understanding**³ by the Tisza countries in December 2004.

² Position Paper of Hungary (15 September 2004.)

³ Towards a River basin Management Plan for the Tisza River supporting sustainable development of the region

For the implementation of the MoU as an Expert Body of the ICPDR the **Ad hoc Tisza Group** was created which since then is continuously working. The Ad hoc Tisza Group must ensure co-ordination and harmonisation of activities and resources with the UNDP/GEF Tisza projects and the results of the Tisza Water Forum.

The Water Framework Directive as a driving force

The **Water Framework Directive** of the European Union raised a further challenge for the riparian countries in the Danube basin. The goal to achieve the good ecological status of the transboundary rivers until 2015 is obligatory for the member countries. Further on the EU member countries have to strive to agree the river basin management plans for the transboundary sub-basins with the interested neighbouring countries.

Hungary started discussions with every neighbouring countries about the implementation of the Water Framework Directive. For these discussions were created special bilateral WFD working groups which were coordinated by the Water Director. These working groups contacted the bilateral transboundary water commissions and co-operated with them. In some relations the transboundary water commissions directly dealt with the problemacy of the implementation of WFD.

The preparations for the implementation of the Water Framework Directive were helped by transboundary projects. We may refer like example to the **Hernád/Hornad** project in Hungarian-Slovakian relation with Dutch and the **Körös/Crisuri** project in Hungarian-Romanian relation with French financing and co-operation..

At the same time we have to mention that such projects initiated by a third neutral partner could provide virtual solutions, but do not substitute the real bilateral planning activities between the interested regional authorities on both side of the frontier.

Another example of international co-operation were the **Hungarian-French Workshops** held in 2006 with the participation of two French Agences de l' Eau x (Seine-Normandie and Loire-Bretagne) and seven Hungarian water directorates on the actual tasks in the employment of Water Framework Directive.

Latest developments in the bilateral co-operation

It is worth to mention the latest developments in bilateral transboundary co-operation on state level. Let me mention two examples. The new **Hungarian-Romanian Frontier Water Agreement** which was concluded in 2003 has the goal of co-operation to protect the frontier waters and provide sustainable use of them. The intergovernmental agreement take into consideration not only the **Helsinki Convention** from 1992 and the **Sofia Convention** from 1994, but directly prescribe a very tight co-operation in the implementation of **Water Framework Directive** as well. This way a high level bilateral legal framework was provided for the first time in connection with the EU level tasks.

Also a new element in the Hungarian-Romanian agreement that it refers to the use of the „**polluter pay**” principle. By the preliminary agreement of the commissioners the

representatives of EU, ICPDR and the water authorities of ICPDR member countries may be invited to take part in the session of the Hungarian-Romanian Water Commission.

The agreed draft of the new **Hungarian-Slovakian Frontier Water Agreement** also refers to the Helsinki Convention, the Sofia Convention, the Water Framework Directive and the „polluter pay” principle. Further on it refers to many other multilateral conventions and agreements related to water like the **Belgrade Convention** on Danube navigation (1948), the **Ramsar Convention** on wetlands (1971), the **Espoo Convention** on transboundary environmental impact assessment(1991) and the **European Agreement** on main inland waterways with international importance (Geneva, 1996) agreements. These references may help the reinforcement of the principles of the above mentioned multilateral conventions in bilateral context.

The proposed new Hungarian-Slovakian Agreement initiates co-operation on the common water basins (catchment areas) and on the frontier waters. Even the new bilateral body will be named **Hungarian-Slovakian Committee of Common Water Basins and Frontier Waters**. Maybe in this draft was formulated most concretely the use of basin principle. The agreement is not undersigned yet.

Summary

If we look over the development of international co-operation in the Danube basin we realise that both bilateral and multilateral co-operation tools were used. Sometimes well coordinated, sometimes almost separately and even competing with each-other. In some periods the bilateralism was stronger. This is the period after the II. World War till the creation of Sofia Convention (1994).

We have to mention that within the framework of COMECON also existed multilateral co-operation, but it was finished with the political and social changes in the region. After the establishment of the **International Commission for the Protection of River Danube (ICPDR)** started the new era of multilateralism

At the turn and after the the turn of the millenium more and more international organisations became interested about the Tisza sub-basin. I may refer to the projects initiated by **UNEP, UNDP, PHARE, IBRD, FAO**. The establishment of Tisza Water Forum and further on the ICPDR Tisza Group gave a significant impetus for multilateralism in the Tisza sub-basin as well. At the same time new, modernized bilateral agreements were prepared with references to the most important multilateral conventions.

Bibliography:

dr. Béla Csermák: International Water Agreements (in Hungarian) VÍZDOK Budapest, 1970

dr. Elemér Prehoffer: Legal framework of co-operation in the field of water management between Hungary and her neighbouring countries. UNDP/UN Interregional Seminar, WP. 34 Budapest 1975.

dr. Elemér Prehoffer: Five lateral water management cooperation in the Carpathian basin 1921-1940). Information on the activities of CRED. (in Hungarian)
OVF EUROAQUA Series Budapest 1995.

Kálmán Papp: The Transboundary Water Management Cooperation (in Hungarian)
OVF EUROAQUA Series, Budapest, 1995.

dr. Elemér Prehoffer: International Water Law in the Carpathian Basin (in Hungarian)
OVF EUROAQUA Series Budapest, 1997.

Kálmán Papp: Transboundary Water Management Cooperation of the Republic of Hungary
(3. General Assembly of LANBO) Foz do Iguacu, Brasil 2001.

Kálmán Papp: International Cooperation in the Framework of the Tisza Water Forum
(FAO International Seminar) Budapest, 2003.

Kálmán Papp: International Cooperation in the Danube Basin (World Assembly, Network of
International Commissions and Transboundary Basin Organisations) Dakar, Senegal 2004.

Kálmán Papp: Co-operation in the Tisza River Basin and the Future of Bilateralism in
Water Management, WFD Athens Conference, 12 May 2006.