

[TRANSLATION — TRADUCTION]

No. 7804. AGREEMENT<sup>1</sup> 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 1960<sup>2</sup> 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

<sup>1</sup> 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.

<sup>2</sup> 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.

*Article 12*

The competent authorities of the two Contracting Parties shall provide the Commission forthwith, at its request, with such information and clarification as it requires and shall otherwise assist the Commission and persons acting on its instructions in the performance by them of the tasks provided for in this Agreement.

The procedure for crossing the State frontier shall be laid down by the frontier commissioners of the Contracting Parties in conformity with the 1960 Agreement.

## CHAPTER III

## TIMBER-FLOATING AND WATER TRANSPORT

*Article 13*

Where one of the Contracting Parties, one of its nationals or an organization or institution wishes to float timber in frontier watercourses in the territory of the other Contracting Party, the Commission may, in consultation with the competent authorities, authorize such floating and approve a set of rules governing floating, which shall define the rights and obligations of the timber-floaters and their crews and enumerate the equipment and installations required for the floating operations. The relevant provisions of articles 2, 9 and 10 of this Agreement shall apply with regard to the said equipment and installations. Such other questions relating to timber-floating as are not covered by the rules governing floating or by special agreements between the Contracting Parties shall be decided in the territory of each Contracting Party in accordance with the provisions in force there.

*Article 14*

Transport in frontier watercourses shall be governed by the provisions of the 1960 Agreement in so far as the frontier waters are concerned. In other sections of frontier watercourses, the provisions of the law in force there shall apply.

## CHAPTER IV

## FISH-STOCK AND FISHERIES

*Article 15*

The Contracting Parties shall take measures to safeguard the fish-stock and fisheries in the following frontier watercourses abounding in salmon and white-fish (*siika*):

—In the Tuulomajoki (Tuloma River), which flows into the Kuolanvuono (Kola Fiord) on the Soviet side, and in those of its tributaries which flow into the Nuorttijärvi (Not Lake), in which the Tuulomajoki has its source: from the mouth of the said river as far as the upper waters of the tributaries on the Finnish side;

—In the Oulankajoki (Olanga River)—the Koutajoki (Kovda River) basin—which flows into the Pääjärvi (Pyao Lake) on the Soviet side: from the mouth of that river as far as the Kiutaköngäs rapids on the Finnish side, and, in the Kitkajoki (Kitka River), as far as the Jyrävä rapids on the Finnish side;

—In the Pistojoiki (Pista River): from the Ylä-Kuittijärvi (Verkhnyaya Kuito Lake) on the Soviet side as far as the Kuusamonjärvi (Kuusamo Lake) on the Finnish side;

—In the Lieksanjoki (Lenderka River), which flows into the Pielisjärvi (Pielinen Lake) on the Finnish side, and in its tributary the Tuulijoki (Tula River): from the Pielisjärvi as far as the Lentieranjärvi (Lenderskoe Lake) and the Tuulijärvi (Tulos Lake) on the Soviet side.

In these frontier watercourses, the main fairway shall be the route for the passage of fish. The said route shall continue, with the same width, from the end of the main fairway, at the deepest point at the mouth of the river, far enough into open water to ensure that fish are not impeded in their passage upstream or downstream.

If the route for the passage of fish is blocked by a dam or in some other way, the Contracting Party concerned shall ensure that appropriate steps are taken to preserve the fish-stock.

#### *Article 16*

In so far as the safeguarding of the fish-stock and fisheries in frontier watercourses other than those specified in article 15 is concerned, the provisions of the law in force in the territory of each Contracting Party shall apply.

#### *Article 17*

Fishing in frontier waters shall be governed by the provisions of the 1960 Agreement.

### CHAPTER V

## MISCELLANEOUS PROVISIONS

#### *Article 18*

Each Contracting Party shall exempt from customs duties, taxes and other charges such tools, construction and other materials and research equipment of the other Contracting Party as are required in connexion with measures

carried out under the provisions of this Agreement, on condition that, upon completion of the work or research, the materials are removed from the territory of the Contracting Party concerned or remain there as permanent installations.

#### Article 19

Where any differences of opinion arising from the interpretation or application of this Agreement cannot be settled by the Commission, they shall be settled by a Joint Board consisting of two members appointed by the Government of Finland and two members appointed by the Government of the Soviet Union. If the Board fails to reach agreement, such differences shall be settled through the diplomatic channel.

#### Article 20

This Agreement shall supersede the following Conventions :

Convention of 28 October 1922 between the Republic of Finland and the Russian Socialist Federal Soviet Republic concerning the maintenance of river channels and the regulation of fishing on watercourses forming part of the frontier between Finland and Russia;<sup>1</sup>

Convention of 28 October 1922 between the Republic of Finland and the Russian Socialist Federal Soviet Republic regarding the floating of timber in watercourses flowing from Finland to Russia or vice versa;<sup>2</sup>

Convention of 15 October 1933<sup>3</sup> modifying the Convention concluded at Helsinki on 28 October 1922 between Finland and the Union of Soviet Socialist Republics regarding the floating of timber in watercourses flowing from Finland to the Union of Soviet Socialist Republics or vice versa, including the Final Protocol to the said Convention signed on the same day.

#### Article 21

This Agreement shall be ratified and shall enter into force thirty days after the exchange of the instruments of ratification.

The exchange of the instruments of ratification shall take place in Moscow as soon as possible.

<sup>1</sup> League of Nations, *Treaty Series*, Vol. XIX, p. 183, and United Nations, *Treaty Series*, Vol. 67, p. 157.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. XIX, p. 153, and United Nations, *Treaty Series*, Vol. 67, p. 153.

<sup>3</sup> League of Nations, *Treaty Series*, Vol. CXLIX, p. 243, and United Nations, *Treaty Series*, Vol. 67, p. 153.

*Article 22*

This Agreement shall remain in force for a period of ten years from the date of its entry into force. The Agreement shall be extended by tacit agreement for successive periods of ten years unless one of the Contracting Parties, not later than one year before the expiry of the period for the time being current, gives notice of its intention to terminate the Agreement or of its desire to make amendments thereto.

This Agreement has been drawn up at Helsinki on 24 April 1964, in duplicate in the Finnish and Russian languages, both texts being equally authentic.

For the Government of the Republic of Finland :

E. J. MANNER

For the Government of the Union of Soviet Socialist Republics :

K. SHUBLADZE

## EXCHANGE OF LETTERS

## I

CHAIRMAN OF THE DELEGATION OF THE GOVERNMENT OF THE REPUBLIC OF FINLAND

Helsinki, 24 April 1964

Sir,

In connexion with the signing this day of the Agreement between the Republic of Finland and the Union of Soviet Socialist Republics concerning frontier watercourses,<sup>1</sup> I have the honour to note that the Contracting Parties have agreed as follows :

In those cases where the aforementioned Agreement provides for the Joint Finnish-Soviet Commission on the Utilization of Frontier Watercourses to take decisions concerning timber-floating or other measures, the relevant provisions of the Conventions referred to in article 20 of the aforementioned Agreement shall be complied with until the Commission is established and until the aforementioned decisions concerning timber-floating or other measures are adopted.

The present agreement shall be considered to be an integral part of the aforementioned Agreement between the Republic of Finland and the Union of Soviet Socialist Republics concerning frontier watercourses.

Accept, Sir, the assurance of my highest consideration.

E. J. MANNER

Mr. K. K. Shubladze  
Chairman, Delegation of the Government of the Union  
of Soviet Socialist Republics

<sup>1</sup> See p. 252 of this volume.



## II

CHAIRMAN OF THE DELEGATION OF THE GOVERNMENT OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS

Helsinki, 24 April 1964

Sir,

In connexion with the signing this day of the Agreement between the Union of Soviet Socialist Republics and the Republic of Finland concerning frontier watercourses, I have the honour to note that the Contracting Parties have agreed as follows :

[See letter I]

Accept, Sir, the assurances of my highest consideration.

K. SHUBLADZE

Mr. E. J. Manner  
Chairman, Delegation of the Government  
of the Republic of Finland

## III

## CHAIRMAN OF THE DELEGATION OF THE GOVERNMENT OF THE REPUBLIC OF FINLAND

Helsinki, 24 April 1964

Sir,

In connexion with the signing this day of the Agreement between the Republic of Finland and the Union of Soviet Socialist Republics concerning frontier watercourses, I have the honour to state that, in so far as the aforementioned Agreement provides for the establishment of a Joint Finnish-Soviet Commission on the Utilization of Frontier Watercourses, it is intended that each Contracting Party should bear the costs of travel and subsistence for its own delegation to the Commission. The Contracting Parties shall reach agreement at a later date on other possible expenses of the Commission.

The present Agreement shall be considered to be an integral part of the aforementioned Agreement between the Republic of Finland and the Union of Soviet Socialist Republics concerning frontier watercourses.

Accept, Sir, the assurances of my highest consideration.

E. J. MANNER

Mr. K. K. Shubladze  
Chairman, Delegation of the Government of the Union  
of Soviet Socialist Republics

## IV

CHAIRMAN OF THE DELEGATION OF THE GOVERNMENT OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS

Helsinki, 24 April 1964

Sir,

In connexion with the signing this day of the Agreement between the Union of Soviet Socialist Republics and the Republic of Finland concerning frontier watercourses, I have the honour, etc.

[See letter III]

Accept, Sir, the assurances of my highest consideration.

K. SHUBLADZE

Mr. E. J. Manner  
Chairman, Delegation of the Government  
of the Republic of Finland

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