

No. 4522

NORWAY
and
UNION OF SOVIET SOCIALIST REPUBLICS

**Agreement (with annexed charts) on the utilization of
water-power on the Pasvik (Paatso) River. Signed
at Oslo, on 18 December 1957**

Official texts : Norwegian and Russian.

Registered by Norway on 24 September 1958.

NORVÈGE
et
**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord (avec cartes jointes) relatif à l'utilisation des
ressources hydrauliques du Paatsojoki (Pasvik). Signé
à Oslo, le 18 décembre 1957**

Textes officiels norvégien et russe.

Enregistré par la Norvège le 24 septembre 1958.

[TRANSLATION — TRADUCTION]

No. 4522. AGREEMENT¹ BETWEEN NORWAY AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE UTILIZATION OF WATER-POWER ON THE PASVIK (PAATSO) RIVER. SIGNED AT OSLO, ON 18 DECEMBER 1957

The Government of Norway and the Government of the Union of Soviet Socialist Republics,

Desirous of further developing economic co-operation between Norway and the Soviet Union, and

Desirous, to this end, of utilizing the water-power of the Pasvik (Paatso) river, situated on the frontier between Norway and the Soviet Union, for their mutual benefit on the basis of an equitable apportionment between the two countries of the rights to utilize this water-power,

Have decided to conclude this Agreement and have appointed as their plenipotentiaries :

The Government of Norway : Mr. Gustav Sjaastad, Minister,

The Government of the Union of Soviet Socialist Republics : Mr. Mikhail Grigorevich Gribanov, Ambassador Extraordinary and Plenipotentiary, who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

This Agreement concerns the apportionment between Norway and the Soviet Union of the rights to utilize the water-power of the Pasvik (Paatso) river from the river mouth up to the point 70.32 m above sea level where the river intersects the Norwegian-Soviet State frontier between boundary markers 9 and 10.

The altitudes given in this and other articles of this Agreement are based on the Norwegian levelling of the Pasvik (Paatso) river, as published in 1940.

Article 2

The Soviet Union shall have the right to utilize the water-power of the Pasvik (Paatso) river :

¹ Came into force on 27 June 1958, the date of the exchange of the instruments of ratification at Moscow, in accordance with article 17.

(a) In the lower section, from the river mouth to altitude 21.0 m above sea level at Svan (Salmi) lake ;

(b) In the upper section, from Fjaer (Høyhen) lake 51.87 m above sea level to altitude 70.32 m. above sea level, where the river intersects the Norwegian-Soviet State frontier between boundary markers 9 and 10.

Norway shall have the right to utilize water-power in the middle section of the Pasvik (Paatso) river from Svan (Salmi) lake 21.0 m above sea level to altitude 51.87 m above sea level at Fjaer (Høyhen) lake.

Article 3

For the purposes of utilizing water-power in those sections of the Pasvik (Paatso) river in which, under article 2, water-power is allocated to the Soviet Union, the Soviet Union shall have the right to construct and operate water-power installations containing the following main features :

A. At Skolte (Boris Gleb) rapids in the lower section :

(1) A water-lifting dam with discharge channels.

The dam, with intake, spillway, timber apron and other installations, including a coffer-dam, shall be constructed partly in Norwegian territory.

In determining the size of the spillway and the discharge channels, it shall be understood that the water-level at the dam must not exceed a maximum of 21.0 m above sea level.

If closer investigation should reveal the need for clearing and blasting to ensure that the water-level in Svan (Salmi) lake does not exceed 21.0 m above sea level when the water discharges normally and that in times of flood it is no higher than under the present natural conditions, such work shall be carried out by the Soviet Party.

(2) A power-station with inlet and outlet channels and other accessory installations such as transformer and switch gear, etc.

The power-station shall be constructed entirely in Norwegian territory.

B. At Heste (Hävös) rapids in the upper section :

(1) A water-lifting dam with discharge channels and a water-stop wall.

The dam, with intake, spillway, timber apron and other installations, including a coffer-dam, shall be constructed partly in Norwegian territory. The water-stop wall shall be constructed entirely in Norwegian territory.

In determining the size of the spillway and the discharge channels, it shall be understood that the water-level at the water-lifting dam must not exceed a maximum of 61.0 m above sea level.

(2) A power-station with inlet and outlet channels and other accessory installations such as transformer and switch gear, etc.

These installations shall be constructed entirely in Soviet territory.

C. At Tange (Purnu) rapids in the upper section :

(1) A water-lifting dam with discharge channels.

The dam, with intake, spillway, timber apron and other installations, including a coffer-dam, shall be constructed partly in Norwegian territory.

In determining the size of the spillway and the discharge channel, it shall be understood that the water-level at the dam must not exceed a maximum of 70.32 m above sea level.

(2) A power-station with inlet and outlet channels and other accessory installations such as transformer and switch gear, etc.

These installations shall be constructed entirely in Soviet territory.

The position of the water-power installations in both Norwegian and Soviet territory shall in the main be as shown on the attached map and in the longitudinal section of the river, annexes Nos. 1¹ and 2.¹

During the construction of the water-power installations, the consent of the Norwegian Party must be obtained for any alterations affecting Norwegian interests.

The water-power installations shall be solidly constructed and properly maintained.

Article 4

For the purposes of utilizing water-power in that section of the Pasvik (Paatso) river in which, under article 2, water-power is allocated to Norway, Norway shall have the right to construct and operate, on the Skog (Männika) rapids in the middle section, water-power installations containing the following main features :

(1) A water-lifting dam with discharge channels in the main course of the river and a water-stop wall intercepting the Männika-river channel.

The dam, with spillway, timber apron and other installations, including a coffer-dam, shall be constructed partly in Soviet territory. The water-stop wall intercepting the Männika-river channel, the coffer-dam and a tunnel for circulation shall be constructed entirely in Soviet territory.

¹ See inserts in a pocket at the end of this volume.

In determining the size of the spillway and the discharge channels, it shall be understood that the water-level at the water-lifting dam must not exceed a maximum of 51.87 m above sea level.

If closer investigation should reveal the need for clearing and blasting to ensure that the water level in Fjaer (Høyhen) lake does not exceed 51.87 m above sea level when the water discharges normally and that in times of flood it is no higher than under the present natural conditions, such work shall be carried out by the Norwegian Party.

(2) A power-station with inlet and outlet tunnels and other accessory installations, such as transformer and switch gear, etc.

These installations shall be constructed entirely in Norwegian territory.

The position of the water-power installations in both Norwegian and Soviet territory shall in the main be as shown on the attached map and in the longitudinal section of the river, annexes Nos. 1 and 2.

During the construction of the water-power installations, the consent of the Soviet Party must be obtained for any alterations affecting Soviet interests.

The water-power installations shall be solidly constructed and properly maintained.

Article 5

The land in Norwegian territory on which the Soviet water-power installations referred to in article 3 are built, and the land in Norwegian territory required for the operation and future maintenance of these installations, shall be made available free of charge by Norway for use by the Soviet Union for as long as the water-power installations exist.

Such land shall be surveyed and marked after further consultation between the Parties. The land, with the exception of the area required for building and operating the water-stop wall at the Heste (Hävös) rapids, shall be fenced in by the Norwegian Party.

While the construction of the water-stop wall at the Heste (Hävös) rapids is in progress, the Soviet Union may also use land in Norwegian territory free of charge to build a road and install telephone and power lines to the said water-stop wall.

Article 6

The land in Soviet territory on which the Norwegian water-power installations referred to in article 4 are built, and the land in Soviet territory required for the operation and future maintenance of these installations, shall be made available

free of charge by the Soviet Union for use by Norway for as long as the water-power installations exist.

Such land shall be surveyed and marked after further consultation between the Parties. The land, with the exception of the area required for building and operating the water-stop wall intercepting the Männika-river channel, shall be fenced in by the Soviet Party.

While construction of the water-stop wall on the Männika river is in progress, Norway may also use land in Soviet territory free of charge to build a road and install telephone and power lines to the said water-stop wall.

Article 7

While the construction of the water-power installations is in progress, the two Parties shall, without charge and for the purposes of such construction, authorize each other :

(a) To use land in the territory of the other Party that may be required for storage or other purposes ;

(b) To take sand, gravel, clay, stone and peat which may be found in the territory of the other Party at a reasonable distance from the construction site. The search for and extraction of the said materials shall require the consent of the Party to which the land belongs. At the conclusion of the work, the user shall restore the extraction site to proper order.

Article 8

While the construction of the installations is in progress and while they are being operated, each Party shall accord to nationals of the other Party who are concerned in such construction and operation the right of unimpeded access to and sojourn in those parts of its territory which are referred to in articles 5, 6 and 7. Military personnel and persons bearing arms shall not, however, have such access.

To ensure unimpeded access to the installations situated on the fenced-in sites referred to in articles 5 and 6, frontier guards shall not be posted on such sites.

The procedure for giving effect to the foregoing provisions shall be regulated by the authorities of the two Parties.

Article 9

The Soviet Union shall not pay any compensation to Norway, Norwegian nationals or other persons for unavoidable damage caused to Norwegian territory or to Norwegian interests in general by flooding in connexion with the construction and operation of the water-power station in the lower section as provided in article 3.

Article 10

Norway shall not pay any compensation to the Soviet Union, Soviet nationals or other persons for unavoidable damage caused to Soviet territory or to Soviet interests in general by flooding in connexion with the construction and operation of the water-power station in the middle section as provided in article 4.

Article 11

The Soviet Union shall make a lump-sum payment to Norway in compensation for unavoidable damage caused to Norwegian territory or to Norwegian interests in general by flooding in connexion with the construction and operation of the water-power stations in the upper section as provided in article 3.

The compensation shall be paid when construction in the upper section begins. The amount of the compensation shall be N kr 1 million, which shall be determined on the basis of the official Norwegian wholesale-price index as at 1 January 1957 and shall be adjusted in accordance with the official Norwegian wholesale-price index as at 1 January of the year in which payment is made.

Such compensation shall cover all unavoidable damage which may be caused to the Norwegian Party in connexion with the construction and operation of the water-power stations in the upper section.

Article 12

Compensation for damage caused by a break in the dam resulting from poor workmanship and compensation for any other kind of unforeseen damage shall be paid by the Party which carries out or has contracted with others to carry out the construction or operation of the installations which have caused the damage.

Article 13

Before flooding takes place, each Party shall clear those parts of its territory that are to be flooded in connexion with the construction of the water-power stations. Bushes and trees of more than one metre in height shall be cut at the roots and removed.

Article 14

It shall be the duty of the Parties to provide lockable timber-aprons at the water-power installations. Each Party may in future, and at its own expense, construct, operate and maintain timber-float installations at the water-power plants of the other Party. The land required for this purpose shall be made available by the Parties without charge.

For the purpose of using and operating the timber-float installations which may be set up, floatage personnel shall have access to the dam and land of the other Party.

Article 15

A Party constructing water-power installations in accordance with this Agreement shall inform the other Party of the beginning of the work not later than two months beforehand and shall at the same time furnish the other Party with a time-table for the execution of the work.

Such information need not, however, be supplied for preparatory work connected with the building of roads, telephone and power lines, barracks and other auxiliary installations on the Party's own territory.

Construction work in connexion with the water-power installations shall be completed and the construction site shall be cleared within five years from the beginning of the work. Where an installation is constructed in two stages, each stage may cover five years.

Article 16

In the operation of the water-power installations referred to in articles 3 and 4, the water level in the intake reservoir of the dam shall not exceed the relevant embankment limits. Such limits shall be indicated at the reservoir site by means of durable and plainly visible water-level marks.

The dam-control machinery shall at all times be in good condition, and spillways shall not be blocked by ice or any other objects.

Article 17

This Agreement shall be ratified, and it shall enter into force on the date of the exchange of the instruments of ratification. The instruments of ratification shall be exchanged at Moscow as soon as possible.

DONE at Oslo on 18 December 1957 in two copies in the Norwegian and Russian languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed this Agreement and have thereto affixed their seals.

On the authority
of the Government
of Norway :

Gustav SJAASTAD

On the authority
of the Government
of the Union of Soviet
Socialist Republics :

M. GRIBANOV