

PRESERVATION OF POLLUTION OF DANUBE RIVER WATERS

ОПАЗВАНЕ ВОДИТЕ НА РЕКА ДУНАВ ОТ ЗАМЪРСЯВАНЕ

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Abstract: *The preservation of ecological system of Black Sea is associated with care for the rivers which flow into it. Bulgaria makes efforts to implement high standards for preservation of the Danube River which represents unique water basin. The improvement of quality of its waters unites the efforts of the riverside countries which contributes for preservation of the ecological system of Black Sea.*

Keywords: POOLLUTION, ECOLOGICAL SYSTEM, DANUBE RIVER, PREVENTIVE MEASURES

1. Introduction

The preservation of ecological system of Black Sea is associated with care for the rivers which flow into it. Bulgaria makes efforts to implement high standards for preservation of the Danube River which represents unique water basin. The improvement of quality of its waters unites the efforts of the riverside countries which contributes for preservation of the ecological system of Black Sea.

The Danube River is unique ecosystem having length of 3000 km¹, on whose river valley live 80 million people. Although the ascertained extinction of many representatives of flora and fauna (arisen of the river pollution and their non-controlled destruction) in the river waters are still found for example 100 species of fish, 300 species of birds and about 400 tree species. In the Danube basin is available very developed agriculture, the river waters are used for irrigation and for production of electricity, it is important transport and communication center, fishing and tourism are developed. Regarding the preservation of the Danube River of pollution the legal regulation of this issue may be specified as relatively recent.

2. Problem discussion.

In the Convention concerning the use of Danube River Waters dating 1958² is available only a general requirement regarding the elaboration and application of measures for avoidance of pollution of the river waters. On 13.12.1985 in Bucharest was approved Declaration of the Danube Countries to Cooperate on Questions Concerning the Water Management of the Danube and in particular by preservation of its waters by pollution³. At it the riverside countries engaged themselves to undertake joint measures by which to avoid and decrease the river pollution. In this regard every country had to ascertain the quality of waters according agreed methods and supervision programs. The results of particular observations, assessments and information were subject to mutual exchange with the purpose of ascertaining and controlling the general condition of Danube. The Declaration affords the establishment of narrow cooperation between the riverside countries, for elaboration of mutual control system and guaranteeing the ecological river safety.

In September 1991 in Sofia city the Danube countries, The Organization for Economic Co-operation and Development, international financial institutions and non-governmental organizations discussed the concept on ecological protection of the Danube River Basin. So was reached the drawing, approval and

opening for signing again in Sofia on 29 June 1994 of Convention on Protection and Sustainable Use of the Danube River⁴. In fact this was the first international legal act by which were regulated the relations between the Danube countries at undertaking measures for preservation of the river waters whose pollution meanwhile has emphasized negative impact also on the condition of Black Sea. In it are provided several basic principles of the modern environmental law, as "pollutant-payer", the right of riverside population to receive current and authentic information about its condition, the implementation of compulsory assessment of the environmental impact of human activities which may have negative impact on the ecosystem.

At the end of 1994 (6-th December) at special international conference of Danube countries, held in Bucharest was approved Declaration for Environmental Preservation in the Danube River Basin. The Ministers of environment of the countries situated on the Danube riverside and the member of the European Union Commission in charge for the environment, territorial planning and civil protection approved at the ecological program for the Danube Basin mentioned above, Danube Strategic Action Plan⁵. It was mainly directed to effective support of the efforts for the soonest possible entry into force of the convention and for the practical application of the convention during the years following its entry into force.

Still in the convention preamble is emphasized the need of cooperation of the Danube countries at the river use and protection which shall be conformed to other international agreements, concerning the condition of the cross-border water streams. On the agreement is also allowed the application of more strict measures at national level with the purpose of improvement of the general condition of Danube waters.

The member-states by the convention have posed two very important aims whose realization is associated with strict ecologically conformable criteria regarding the discharge of waste water in the river and planning different activities which they intend to realize on its riverside. Special attention is drawn to the measures undertaken by Danube countries for limitation, decrease and avoidance of release of substances harming the river waters. In the agreement is emphasized on the preventive nature of measures. They shall be undertakes still at the source i.e. by application of the principle that is better to avoid the pollution than after that to remove its harmful consequences. As key forms of cooperation are determined as the multilateral as well as bilateral consultations, the information, data and experience exchange— mostly when it is about the actions when they shall be undertaken at established or occurred emergency situations. The countries undertook the obligation to implement common emission regulations applicable at the

¹ from Schwarzwald in Germany to its inflow in Black Sea.

² See the text of the Convention in volume 339 of the United Nations Code for international agreements.

³ Although the Declaration is document but not a legal act having mandatory legal force, it still engages at least the political countries to meet the requirements provided in it.

⁴ The Convention was ratified by Bulgarian Parliament on 24.3.1999. It is in force as of 1999 (Revised State Gazette issue ...).

⁵ See in details the program and plan in Action for a Blue Danube, Arqus-Publishing (Company, Vienna, Austria, 1995)

particular industrial branches and activities. By the texts of the Convention is encouraged the implementation of less-waste and waste-free technologies. For the discharge of waste water in the river was provided the use of permissive procedure. In the drainage Danube Basin shall be made periodical inventories of the point (fixed) and non-point (unfixed) pollution sources. For the purpose shall be drawn lists containing prescriptions for the necessary particular measures. In turn this shall lead to the drawing and application of respective (bilateral or multilateral) action programs. There is also provided the harmonization of monitoring methods as the purpose is to pass to common monitoring system for the whole riverside. In this regard are specified monitoring points and equalized indices on waters quality.

The parties by the convention shall facilitate the submission of best technologies to other countries with the purpose of maximum preservation of the water stream, to establish joint enterprises for environmental friendly productions and to render technical assistance at possibly occurred emergency situations.

Special attention in the agreement is drawn on the establishment and operation of efficient communication warning and alarm systems and plans for emergency reaction and rendering aid to riverside countries suffered by pollution.

For the convention implementation was also established a special international commission whose head office is in Vienna (Austria).

By five appendixes at the convention which are integral part of it were specified some priorities at its application considered for significant.

In the first of them is clarified the issue for use of best available technologies, by encouraging every initiative which may lead to their further development and elaboration. At application of these technologies is significant to be outlined their preventive role, they shall be used in a manner which contributes for avoidance of ecological risk and also by them shall be assisted passing to activities which are less polluting the environment.

In the second appendix are included the industrial branches and hazardous substances, on which the member states shall pay special attention. In fact it is about the activities which are most risky for the environment as power engineering, ore output and metallurgy. The operation of such branches often leads to the release of substances which are hazardous for the river waters: radioactive, mercury, cadmium, heavy metals etc.

The third one refers to the purposes, which the countries pose and the criteria, which shall be applied for improvement of waters quality. The idea is the same to be maintained at condition which is environmentally friendly. Hence is the undertaking of the countries by the agreement to decrease the discharge in the river of waste water and in particular hazardous substances. If necessary there maybe posed specific requirements regarding some water categories as well as in particular river areas which are more delicate in ecological manner.

In the fourth appendix is specified the statute of the International Commission for preservation of Danube River established by virtue of the convention itself: members of the commission – functions, powers, capacities etc., chairmanship, summoning conferences of the member-states, manner of approval of decisions and recommendations. The Commission is entitled to establish permanent working groups on specific problems and activities regarding the preservation and sustainable use of Danube River. There was also established a special secretariat having head office in Vienna whose main task is the collection and distribution between the member-states of information regarding the convention, assistance of the operation of the international commission, implementation of technical and legal services and consultations etc.

3. Conclusion.

Regarding disputes solving by interpretation and application of the convention in special (fifth) appendix was provided arbitral procedure. For the purpose is established Arbitral Court which takes its decisions according the regulations of international law and the ones included in the convention itself.

4. LITERATURE

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[6]. Cf. Manuel sur la pollution par les hydrocarbures,, OMCI, Londres, 1972.