

No. 21425

**URUGUAY
and
ARGENTINA**

**Statute of the River Uruguay. Signed at Salto on 26 February
1975**

Authentic text: Spanish.

Registered by Uruguay on 17 December 1982.

**URUGUAY
et
ARGENTINE**

Statut du fleuve Uruguay. Signé à Salto le 26 février 1975

Texte authentique : espagnol.

Enregistré par l'Uruguay le 17 décembre 1982.

[TRANSLATION — TRADUCTION]

STATUTE¹ OF THE RIVER URUGUAY

The Government of the Eastern Republic of Uruguay and the Government of the Argentine Republic, motivated by the fraternal spirit inspiring the Treaty concerning the Río de la Plata and the Corresponding Maritime Boundary, signed at Montevideo on 19 November 1973,²

Have agreed as follows:

Chapter I. PURPOSES AND DEFINITIONS

Article 1. The Parties agree on this Statute, in implementation of the provisions of article 7 of the Treaty concerning the Boundary Constituted by the River Uruguay, of 7 April 1961,³ in order to establish the joint machinery necessary for the optimum and rational utilization of the River Uruguay, in strict observance of the rights and obligations arising from treaties and other international agreements in force for each of the Parties.

Article 2. For the purposes of this Statute:

- (a) "Parties" means the Eastern Republic of Uruguay and the Argentine Republic;
- (b) "Treaty" means the Treaty between the Eastern Republic of Uruguay and the Argentine Republic concerning the Boundary Constituted by the River Uruguay signed at Montevideo on 7 April 1961;
- (c) "River" means the section of the River Uruguay referred to in article 1 of the Treaty;
- (d) "Statute" means this legal instrument;
- (e) "Commission" means the Administrative Commission of the River Uruguay established under the Statute;
- (f) "Protocol" means the Protocol concerning the Delimitation and Marking of the Argentine-Uruguayan Boundary Line in the River Uruguay, signed at Buenos Aires on 16 October 1968.⁴

Chapter II. NAVIGATION AND WORKS

Article 3. The Parties shall afford each other the necessary assistance so as to provide the best possible facilities and safety for navigation.

Article 4. The Parties shall agree on provisions governing the safety on the river and the use of the main channel.

Article 5. The Commission shall assign to the Parties, following joint planning, such tasks of dredging, buoying and conservation in the sections of the main channel as it may periodically determine on the basis of the use of the channel and the availability of technical facilities.

Article 6. For the purposes indicated in article 5, each Party shall, within its jurisdiction, permit the competent services of the other Party to carry out the respective tasks, following notification through the Commission.

¹ Came into force on 18 September 1976 by the exchange of the instruments of ratification, which took place at Buenos Aires, in accordance with article 63.

² See p. 293 of this volume.

³ United Nations, *Treaty Series*, vol. 635, p. 91.

⁴ *Ibid.*, vol. 671, p. 55.

Article 7. If one Party plans to construct new channels, substantially modify or alter existing ones or carry out any other works which are liable to affect navigation, the régime of the river or the quality of its waters, it shall notify the Commission, which shall determine on a preliminary basis and within a maximum period of 30 days whether the plan might cause significant damage to the other Party.

If the Commission finds this to be the case or if a decision cannot be reached in that regard, the Party concerned shall notify the other Party of the plan through the said Commission.

Such notification shall describe the main aspects of the work and, where appropriate, how it is to be carried out and shall include any other technical data that will enable the notified Party to assess the probable impact of such works on navigation, the régime of the river or the quality of its waters.

Article 8. The notified Party shall have a period of 180 days in which to respond in connection with the plan, starting from the date on which its delegation to the Commission receives the notification.

Should the documentation referred to in article 7 be incomplete, the notified Party shall have 30 days in which to so inform, through the Commission, the Party which plans to carry out the work.

The period of 180 days mentioned above shall begin on the date on which the delegation of the notified Party receives the full documentation.

This period may be extended at the discretion of the Commission if the complexity of the plan so requires.

Article 9. If the notified Party raises no objections or does not respond within the period established in article 8, the other Party may carry out or authorize the work planned.

Article 10. The notified Party shall have the right to inspect the works being carried out in order to determine whether they conform to the plan submitted.

Article 11. Should the notified Party come to the conclusion that the execution of the work or the programme of operations might significantly impair navigation, the régime of the river or the quality of its waters, it shall so notify the other Party, through the Commission, within the period of 180 days established in article 8.

Such notification shall specify which aspects of the work or the programme of operations might significantly impair navigation, the régime of the river or the quality of its waters, the technical reasons on which this conclusion is based and the changes suggested to the plan or programme of operations.

Article 12. Should the Parties fail to reach agreement within 180 days following the notification referred to in article 11, the procedure indicated in chapter XV shall be followed.

Article 13. The rules laid down in articles 7 to 12 shall apply to all works referred to in article 7, whether national or binational, which either Party plans to carry out within its jurisdiction in the River Uruguay outside the section defined as a river and in the areas affected by the two sections.

Chapter III. PILOTAGE

Article 14. The profession of pilot on the river shall be exercised only by qualified pilots authorized by the authorities of one of the Parties.

Article 15. Any vessel departing from a Uruguayan or an Argentine port shall, when required to do so, take on a pilot of the nationality of the port of departure.

Vessels coming from a port of a third State shall, when required to do so, take on a pilot of the nationality of the port of destination.

No contact which the vessel may have, outside port, with the authorities of either Party shall alter the criterion originally followed to determine the nationality of the pilot.

In other cases, the pilot shall be of either Uruguayan or Argentine nationality, without distinction.

Article 16. Once they have completed their tasks, Uruguayan and Argentine pilots may disembark freely in the ports of either Party entered by the vessels in which they fulfilled those tasks.

The Parties shall extend to the above-mentioned pilots all necessary facilities for the optimum performance of their duties.

Chapter IV. PORT FACILITIES, UNLOADING AND ADDITIONAL LOADING

Article 17. The Parties hereby undertake to conduct the necessary studies and take the necessary steps to ensure the maximum efficiency of their port services, in order to offer optimum performance and safety conditions, and to expand the facilities which they accord each other in their respective ports.

Article 18. The unloading and additional loading of cargo shall be carried out exclusively in the area established in each case by the competent authority within its respective jurisdiction according to technical and safety requirements, especially in respect of pollutant or dangerous cargoes.

Chapter V. SAFEGUARDING OF HUMAN LIFE

Article 19. Each Party shall be responsible for directing search-and-rescue operations within its jurisdiction.

Article 20. Without prejudice to the provisions of article 19, the authority initiating a search-and-rescue operation shall notify thereof the competent authority of the other Party.

Article 21. When the magnitude of the operation so warrants, the authority of the Party which requires the operation may request assistance from the authority of the other Party, although each Party shall retain control of the operations carried out within its jurisdiction.

Article 22. When, for whatever reason, the authority of one Party cannot initiate or continue a search-and-rescue operation, it shall request the authority of the other Party to take over the direction and conduct of that operation, extending it all possible co-operation.

Article 23. Surface or air units of either Party engaged in search-and-rescue operations may enter or leave either territory without fulfilling the normal formalities.

Chapter VI. SALVAGING

Article 24. The salvaging of vessels shall be carried out by the authorities or corporations of the Party within whose jurisdiction the accident occurred, without prejudice to the provisions of the following articles.

Article 25. The salvaging of a vessel in the main channel shall be carried out by the authorities or corporations of the Party within whose jurisdiction the accident occurred, in accordance with the criteria laid down in article 48.

Article 26. When the authorities or corporations of the Party responsible for salvaging are unable to perform that task, it may be carried out by the authorities or corporations of the other Party.

The inability to salvage referred to in the preceding paragraph shall be determined without delay and shall be communicated immediately to the other Party through the Commission.

Chapter VII. USE OF WATER

Article 27. The right of each Party to use the waters of the river, within its jurisdiction, for domestic, sanitary, industrial and agricultural purposes shall be exercised without prejudice to the application of the procedure laid down in articles 7 to 12 when the use is liable to affect the régime of the river or the quality of its waters.

Article 28. Every six months the Parties shall submit to the Commission a detailed report of the developments they undertake or authorize in the parts of the river under their respective jurisdictions, so that the Commission may verify whether the developments taken together are likely to cause significant damage.

Article 29. The provisions of article 13 shall apply to all developments which are liable to affect the régime of the river or the quality of its waters.

Chapter VIII. RESOURCES OF THE BED AND SUBSOIL

Article 30. Each Party may explore and exploit the resources of the bed and subsoil of the river in the area subject to its jurisdiction provided that it does not thereby cause significant damage to the other Party.

Article 31. Installations of other works required for the exploration or exploitation of the resources of the bed and subsoil of the river shall not interfere with navigation in the main channel.

Article 32. Any mineral deposit which extends on both sides of the line established in article 1 of the Treaty shall be mined in such a way that the volumes of the resource extracted from that deposit are shared proportionally to the overall volume of the deposit to be found on each side of the line.

Each Party shall explore and mine such deposits without causing significant damage to the other Party and in accordance with the requirements of a thorough and rational use of the resource, taking account of the criterion established in the preceding paragraph.

Article 33. In respect of concessions to extract sand, shingle or stones from the bed or subsoil of the river, the Party granting a concession must establish, *inter alia*, the following conditions:

- (a) That the residual matter left after washing and sorting the materials extracted may be unloaded only in the places which the Commission designates as dumps;
- (b) That no extractions may be carried out closer to the navigation channels and other parts of the river than indicated by the Commission.

Article 34. The provisions of articles 7 to 12 shall be applicable, where relevant, when the exploration and exploitation of the resources of the bed and subsoil of the river are liable to affect the régime of the river or the quality of its waters.

Chapter IX. CONSERVATION, UTILIZATION AND DEVELOPMENT OF OTHER NATURAL RESOURCES

Article 35. The Parties undertake to adopt the necessary measures to ensure that the management of the soil and woodland and the use of groundwater and the waters of the tributaries of the river do not cause changes which may significantly impair the régime of the river or the quality of its waters.

Article 36. The Parties shall co-ordinate, through the Commission, the necessary measures to avoid any change in the ecological balance and to control pests and other harmful factors in the river and the areas affected by it.

Article 37. The Parties shall agree on rules governing fishing activities in the river with regard to the conservation and preservation of living resources.

Article 38. When the volume of fishing activity so requires, the Parties shall agree on maximum catches per species and the corresponding periodic adjustments. Such catches shall be shared equally between the Parties.

Article 39. The Parties shall exchange regularly, through the Commission, relevant information on fishing activities and catches per species.

Chapter X. POLLUTION

Article 40. For the purposes of this Statute, pollution shall mean the direct or indirect introduction by man into the aquatic environment of substances or energy which have harmful effects.

Article 41. Without prejudice to the functions assigned to the Commission in this respect, the Parties undertake:

- (a) To protect and preserve the aquatic environment and, in particular, to prevent its pollution, by prescribing appropriate rules and measures in accordance with applicable international agreements and in keeping, where relevant, with the guidelines and recommendations of international technical bodies;
- (b) Not to reduce in their respective legal systems:
 - (1) The technical requirements in force for preventing water pollution, and
 - (2) The severity of the penalties established for violations;
- (c) To inform one another of any rules which they plan to prescribe with regard to water pollution in order to establish equivalent rules in their respective legal systems.

Article 42. Each Party shall be liable to the other for damage inflicted as a result of pollution caused by its own activities or by those carried out in its territory by individuals or legal entities.

Article 43. The jurisdiction of each Party with regard to any violation of pollution laws shall be exercised without prejudice to the rights of the other Party to obtain compensation for the losses it has suffered as a result of such violation.

The Parties shall co-operate with one another to this end.

Chapter XI. RESEARCH

Article 44. Each Party shall authorize the other Party to conduct scientific studies and research within its respective jurisdiction, provided that the said other Party has given it adequate advance notice through the Commission, indicating the nature of the studies or research envisaged and the areas and periods of time within which they are to be conducted.

Such authorization shall be denied only in exceptional circumstances and for limited periods.

The authorizing Party shall be entitled to participate in all phases of such studies and research and to be informed of and have access to their results.

Article 45. The Parties shall promote the conduct of joint scientific studies of common interest.

Chapter XII. ATTRIBUTION OF POWERS

Article 46. The right of law enforcement on the river shall be exercised by each Party within its jurisdiction.

Without prejudice to the foregoing, if the authorities of one Party ascertain that an unlawful act is being committed within the jurisdiction of the other Party, they may seize

the offender and must place him at the disposal of that other Party, with the exception provided for in article 48.

Similarly, the authorities of either Party may pursue vessels which, after committing an offence within their jurisdiction, enter the jurisdiction of the other Party.

In the cases envisaged in the second and third paragraphs, exercise of the right of law enforcement within the jurisdiction of the other Party must be brought immediately to its attention, and under no circumstances may be extended beyond a distance from the coast of that Party to be determined by the Commission in respect of each section.

The Parties shall co-ordinate the actions referred to in this article.

Article 47. The Parties shall ensure adequate supervision in a co-ordinated manner so as to prevent crimes and offences from being committed in the area between the lines defined in article 1, paragraphs A and B, subparagraph (ii) (b), of the Treaty.

Article 48. Vessels which sail along the main channel shall be considered to be within the jurisdiction of one or the other Party in accordance with the following criteria:

- (a) Within the jurisdiction of either Party, vessels flying the flag of that Party;
- (b) Within the jurisdiction of the Eastern Republic of Uruguay, vessels flying the flags of third parties which are sailing upstream, and within the jurisdiction of the Argentine Republic, those sailing downstream, without prejudice to the provisions of subparagraphs (c) and (e);
- (c) Within the jurisdiction of either Party, vessels flying the flags of third parties involved in accidents with vessels flying the flag of that Party;
- (d) Within the jurisdiction of the flag State of the vessel of the greater tonnage when vessels flying the flags of both Parties are involved in an accident, unless one of them is a warship, in which case they shall be considered to be within the jurisdiction of the flag State of that vessel;
- (e) Within the jurisdiction of the relevant Party in accordance with the criterion in subparagraph (b), applicable on the basis of the vessel of the greater tonnage, when only vessels flying the flags of third States are involved in an accident;
- (f) In other cases, the Commission shall decide.

This article shall not apply to cases involving warships, without prejudice to the provisions of subparagraph (d).

Chapter XIII. ADMINISTRATIVE COMMISSION

Article 49. The Parties hereby establish an Administrative Commission of the River Uruguay, consisting of an equal number of representatives of each Party.

Article 50. The Commission shall be made a legal entity in order to perform its functions.

The Parties shall provide it with the necessary resources and all the information and facilities essential to its operations.

Article 51. The Commission shall have its headquarters in the city of Paysandú, Eastern Republic of Uruguay, but may meet in the territory of either Party.

Article 52. The Commission may set up whatever subsidiary bodies it deems necessary. It shall function on a permanent basis and shall have its own secretariat.

Article 53. The Parties shall agree, by exchange of notes, on the Statute of the Commission. The Commission shall draw up its own rules of procedure.

Article 54. The Commission shall in due course conclude agreements with both Parties specifying the privileges and immunities enjoyed by its members and staff under international law.

Article 55. For the adoption of decisions of the Commission, each delegation shall have one vote.

Article 56. The Commission shall perform the following functions:

(a) Draw up, *inter alia*, rules governing:

- (1) Safety of navigation on the river and use of the main channel;
- (2) Conservation and preservation of living resources;
- (3) Pilotage;
- (4) Prevention of pollution;
- (5) Installation of pipelines and cables under the river or in the air;

(b) Co-ordinate the joint conduct of scientific studies and research and, in particular, studies for the comprehensive surveying of the river;

(c) Establish, where appropriate, maximum catches of fish per species and adjust them periodically;

(d) Co-ordinate between the competent authorities of the Parties activities for the prevention and prosecution of unlawful acts;

(e) Co-ordinate the adoption of joint plans, handbooks, terminology and communication systems for search-and-rescue operations;

(f) Establish the procedure to follow and the information to provide in cases where the units of one Party participating in search-and-rescue operations enter or leave the territory of the other Party;

(g) Determine the formalities to fulfil in cases where equipment for the conduct of search-and-rescue operations must be introduced, on a temporary basis, into the territory of the other Party;

(h) Co-ordinate navigation aids, buoying and dredging;

(i) Establish the legal and administrative régime for the binational works and installations which are carried out and administer them;

(j) Publish and update the official map of the river, with its indication of boundaries, in co-ordination with the Commission established under the Protocol;

(k) Transmit as soon as possible to the Parties any communications, consultations, information and notifications which they may send to each other in accordance with the Statute;

(l) Perform any other functions assigned to it by the Statute and those which the Parties may agree to entrust to it through an exchange of notes or any other form of agreement.

Article 57. The Commission shall report periodically to the Governments of the Parties on the progress of its activities.

Chapter XIV. CONCILIATION PROCEDURE

Article 58. Any dispute which may arise between the Parties concerning the river shall be considered by the Commission at the proposal of either Party.

Article 59. If the Commission is unable to arrive at an agreement within 120 days, it shall so notify the two Parties, which shall attempt to resolve the issue by direct negotiations.

Chapter XV. JUDICIAL SETTLEMENT OF DISPUTES

Article 60. Any dispute concerning the interpretation or application of the Treaty and the Statute which cannot be settled by direct negotiations may be submitted by either Party to the International Court of Justice.

In the cases referred to in articles 58 and 59, either Party may submit any dispute concerning the interpretation or application of the Treaty and the Statute to the International Court of Justice, when it has not been possible to settle the dispute within 180 days following the notification referred to in article 59.

Chapter XVI. TRANSITIONAL PROVISIONS

Article 61. The provisions of article 56, paragraph (i), shall apply to binational works currently being carried out once they have been completed and when the Parties so agree through an exchange of notes or any other form of agreement.

Article 62. The Commission shall be set up within 60 days following the exchange of the instruments of ratification of the Statute.

Chapter XVII. RATIFICATION AND ENTRY INTO FORCE

Article 63. This Statute shall be ratified in accordance with the procedures set forth in the Parties' respective legal systems and shall enter into force through the exchange of the instruments of ratification, which shall take place in the city of Buenos Aires.

DONE in the city of Salto, Eastern Republic of Uruguay, on 26 February 1975, in duplicate, both copies being equally authentic.

For the Eastern Republic of Uruguay:

[JUAN CARLOS BLANCO]

For the Argentine Republic:

[ALBERTO J. VIGNES]
