



URUGUAY



ARGENTINA

**THE RIVER URUGUAY EXECUTIVE COMMISSION
COMISION ADMINISTRADORA DEL RIO URUGUAY**

C.A.R.U.

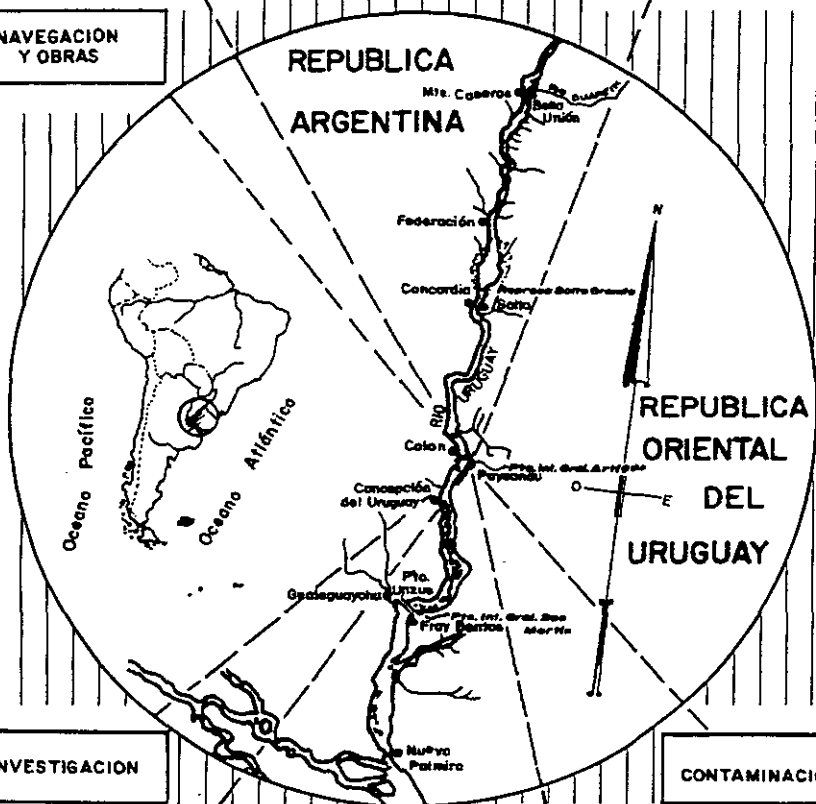


PAYSANDU, URUGUAY

CUESTIONES
JURIDICO-INSTITUCIONALES

ADMINISTRACION
DE PUENTES

NAVEGACION
Y OBRAS



INVESTIGACION

CONTAMINACION

RECURSOS DEL LECHO
Y DEL SUBSUELO

CONSERVACION Y EXPLOTACION
DE RECURSOS NATURALES
(pesca)

THE RIVER URUGUAY EXECUTIVE COMMISSION

I. INTRODUCTION

The Uruguay River, which belongs to the River Plate Basin, is an international waterway. Its source is in Brazil and it constitutes the frontier first between Argentina and Brazil and later between Argentina and Uruguay.

Both countries, Argentina and Uruguay -in a spirit of integration and in pursuit of their national interests- decided to seek a rational and shared use and exploitation of their common stretch of the River Uruguay, taking into account the experience of international bodies entrusted with the management of river resources.

A Treaty defining the border between the two countries in the River Uruguay was signed on the 7th of April 1961 in Montevideo. Article 7 provided for the future approval of a bilateral statute on the uses of the river. The officially named Statute of the River Uruguay was concluded on February 26, 1975, and became operative on September 18, 1976.

The Statute contains a set of comprehensive rules governing the use of the river and establishes a body entrusted with a number of functions related to the preservation and management of the river resources. This institution is the River Uruguay Executive Commission (Comisión Administradora del Río Uruguay -CARU), which directs, regulates and conciliates the objectives and interests of both parties in the shared segment of the river.

CARU was formally established on November 22, 1978 and its headquarters are located in the Uruguayan town of Paysandú, on the shore of the river.

II. ORGANIZATION OF CARU

CARU is a binational institution, with its own juridical personality, different from the ones of its member countries. Its area of competence and operation is the 500 kilometers of the River Uruguay which stretches from Brasileira Island, on the border of Argentina, Brazil and Uruguay, to the point in which the River Uruguay flows into the River Plate (Río de la Plata).

CARU is governed by ten Commissioners, five from Argentina and five from Uruguay. The heads of both Delegations alternate yearly as President and Vicepresident of the Commission.

Decisiones are taken with the concurrent votes of both Delegations, expressed through their respective presidents.

Commissioners, or Delegates as they are called, are distributed among several permanent Subcommittees, each of whom deals with a particular field of competence of CARU. The Subcommittees are assisted by experts and report to the plenary, in which decisions are taken.

The Commission has two Secretaries, who head the two sections in which the Secretariat is divided, namely the Technical Department and the Administrative Department. CARU also manages the two international bridges which cross the

River Uruguay , uniting the towns of Colón (Argentina) with Paysandú (Uruguay) and of Gualeduaychú (Argentina) with Fray Bentos (Uruguay). The bridges are called, respectively, "General Artigas" and "Libertador General San Martín", and their operation and maintenance are in charge of two managers, known as Administrators, who depend from CARU.

III. THE FUNCTIONS OF CARU

According to the Statute, CARU has the following main functions: regulatory, executive, administrative, technical, and conciliatory.

1. REGULATORY FUNCTIONS

The Commission has the power to issue rules and regulations to be applied in the common stretch of the river. Specifically, CARU is empowered to enact rules regarding safety of navigation, use of the main channel of the river, preservation of the living resources, pilotage, prevention and control of pollution, aerial and underwater laying of tubes and cables. These sets of rules, some of which are still in the drafting stage, become part, once approved, of a document called DIGEST ON THE USE AND EXPLOITATION OF THE URUGUAY RIVER, which unites, organized in different chapters according to the subject matter, the regulations applicable to the river.

At the same time, the Commission has the legal capacity to establish internal regulations in order to govern its own administrative activities.

2. EXECUTIVE FUNCTIONS

Among these tasks, the following should be mentioned:

a) from time to time, CARU has to distribute between both countries, Argentina and Uruguay, responsibilities for dredging, the laying of bouys and beacons, and other works to be carried out in the main navigation channel.

b) the Commission must determine the places to be used for discharging wastes remaining after washing and classifying sand, stones and other materials extracted from the river bed and subsoil.

c) to establish, when the volume of fishing in the river exceeds proper levels, the maximum amounts that may be extracted from the river per species, and to review the figures periodically.

d) CARU has, jointly with the binational Border Committee on the River Uruguay, to update and publish the Official Chart of the River.

e) it establishes, for each stretch of the river, the distance from the coast of each country up to which the ships and coastguard patrols of the other country may approach when persecuting trespassers.

3. ADMINISTRATIVE FUNCTIONS

The Commission is an autonomous body. In consequence, it has to organize itself and perform a great number of administrative acts, namely, the appointment and dismissal of

its personnel, the establishment of personnel regulations, the preparation and approval of the yearly budget and of the schedule of activities, the planning, organization and support of the technical studies and research to be undertaken, etc.

CARU is also entrusted with the operation, administration and maintenance of the two international bridges and, for that purpose, collects tolls for the use of the bridges. The amount of the tolls is determined by the Commission.

4. TECHNICAL FUNCTIONS

The following activities should be emphasized:

a) the coordination of the activities of the police authorities of both countries in the prevention and control of illegal acts in the river.

b) the evaluation of the uses of the river actually performed, in order to determine if those activities are detrimental to the regular functioning of the waterway, to the quality of the water or to the environment.

c) the development of scientific research and studies on fishing, pollution, possible and actual uses of the water, erosion, etc.

d) the preparation of suggestions and proposals to the two governments related to the improvement of river conditions.

5. CONCILIATORY FUNCTIONS

The Commission is intended to serve as a vehicle of cooperation and understanding between the two countries and is the right place to consider and solve the many problems and issues which would normally arise due to the sharing of a long water frontier and to the joint managing of river resources.

This is why the Statute of the River Uruguay determines that any disagreement between the parties in relation to the river should be dealt with by the Commission, and only if CARU is unable to settle the dispute the countries should engage in direct negotiations or, thereafter, seek international arbitration.

IV. WORK DONE BY CARU

Since its beginnings, CARU has carried out a number of important actions, of which the main ones relate to the following subjects:

1. NAVIGATION

The aim of the Commission, at this juncture, is to ensure and preserve the adequate physical conditions of the river, an efficient aid system for navigation and communications and a body of operational and safety regulations capable of making the Uruguay River an intensively used waterway. To that effect, several actions were taken:

a) Approval of the rules dealing with navigation in the river, which constitute a chapter of the Digest on the Uses and Exploitation of the Uruguay River.

b) Establishment of a system to prevent and mitigate the effects on navigation of the operation of the Salto Grande Power Plant.

c) Adoption of a Combined System of Information and Control for the Safety of Navigation (SICOSENARU), to be implemented by the coast guard services of both countries.

d) Publication of a Chart of the Uruguay River.

e) Determination of the areas of the river in which each country has exclusive police authority and coordination between the two coast guard services on the joint tasks.

f) Planning and allocation of the dredging activities in the river.

g) Coordination of the placing and maintenance of buoys in the river by the competent departments of both countries.

h) Issuing of regulations governing the piloting activities in the river.

2. FISHING

The Commission has been carrying out a

continuing and carefully planned work on this subject, with the help of the National Fishing Institutes of both countries, with a view to know fully the biological characteristics of the species and the availability of resources. The final objective is to establish maximum fishing volumes, if necessary, and to draft the corresponding chapter of regulations to be included in the above mentioned Digest.

A great number of field activities have taken place, activities which have enabled a better knowledge of the main hydrological and ecological characteristics of the river in relation to the fishing resources and of the ichthyofauna of the area. These activities include exploratory fishing, biological sampling and the marking of fishes in order to gain information about the migration of the species.

3. POLLUTION

According to the Statute of the River Uruguay, both countries have committed themselves to protect and preserve the water environment, not to lower the technical standards to prevent contamination and to keep each other fully informed on the laws and regulations adopted on this subject.

In turn, CARU, has carried out a significant action on this matter, namely:

a) Prepared and approved a stringent set of rules on pollution, which is part of the Digest on the Uses and Exploitation of the River Uruguay, establishing severe standards and regulations for the prevention and correction of polluting activities.

b) Put into operation a Water Quality and Pollution Control Program, whose aim is to know better the actual condition of the river water, to identify polluted areas, to draw up cleaning plans and to establish a forecast and permanent control system.

To accomplish these tasks, CARU is supported by the Naval Hydrography Service of Argentina and the Oceanography, Hydrography and Meteorological Service of the Navy and the National Hydrography Administration, both of Uruguay.

CARU is carrying out a programme of frequent field activities, which includes the regular taking of water samples in eight stations along the river and, lately, in a number of sites in which contamination has reached dangerous levels. The samples are analyzed and studied in laboratories of both countries, which also carry out scientific evaluations and statistical work.

4. RIVER BED AND SOUBSOIL RESOURCES

The Uruguay River bed and subsoil are rich in different materials, mainly sand and stones, which are used in the building industry.

In order to prevent damage to the river environment and dangers to navigation safety emanating from exploration, extraction and washing activities, the Commission has included in a chapter of the Digest a number of regulations on the use of the river bed and subsoil resources. CARU also coordinates with the competent authorities of both countries the control of those activities.

The Commission has made a preliminary study on the erosion undergone by the coastal areas of the river and continues to cooperate in activities aimed at a better knowledge of the subject, seeking an effective way to prevent and control erosion.

5. USE OF THE WATER

At this point the Commission is taking the first steps to evaluate the actual use of the river water, in order to determine, later, the possibilities of increasing the uses of the water, particularly with irrigation purposes.

With the help of experts from both countries, CARU has started gathering, arranging and organizing the information that the two governments have to supply on the subject.

6. SEMINARS AND PUBLICATIONS

The scientific and research activities of CARU are made known through seminars, workshops and publications.

Up to the present, two seminars on fishing matters have been held, another one on pollution in the river and a fourth on legal questions related to the river and to the functions of CARU. A fifth seminar, on navigation, was held in October 1992, and a sixth, on river and coast contamination, took place in late 1993. All of them have been widely attended and followed with great interest by the local and scientific communities.

At the same time, from time to time CARU

publishes material on its activities, especially the seminars, and other relevant subjects of interest. In particular, the following could be mentioned, all of them published in Spanish:

**a) DOCUMENTS AND BACKGROUND
(1982, re-issued 1989)**

This publication includes all relevant documents which preceded or gave the juridical framework to the Commission and its activities, namely the Treaty between Argentina and Uruguay on the boundaries on the River Uruguay, the Statute of the Uruguay River, the Statute of CARU, the agreements on the building of both international bridges, etc.

**b) COMBINED SYSTEM OF
INFORMATION AND CONTROL FOR THE SAFETY OF
NAVIGATION (SICOSENARU) (1983)**

This document details the operation of the system, whose purpose is to keep, through the coordination of the activities of the coastal stations of both countries' coast-guard services, a factual and efficient control of boat movements, a warning régime, the necessary aids to navigation and the exchange of the needed information in case of emergency.

**c) CHART OF THE RIVER URUGUAY
(1984)**

This set of maps was prepared with the cooperation of the Border Committee of the Uruguay River, the Military Geographical Institute and the Naval Hydrographic Service of Argentina and the Military Geographic Service of Uruguay.

d) DIGEST ON THE USE AND EXPLOITATION OF THE RIVER URUGUAY (1984)

As it has been said, this publication is a compilation of different chapters which include the rules and regulations issued by CARU on the diverse subjects under its legal authority. The task is not complete yet. As soon as new chapters and rules are approved, they are published and added to the Digest.

e) TEN YEARS OF ACTIVITY ON THE URUGUAY RIVER (1988)

It is a description of all the main activities performed by the Commission during its first ten years.

f) SEMINAR ON TECHNICAL AND JURIDICAL MATTERS (1989)

This document contains the text of the papers presented and lectures delivered by the various specialists who took part in a seminar held in September 1987 on some of the different legal and technical aspects involved in the management of an international waterway. In particular, the seminar dealt with the regulatory powers of the Commission, its legal immunities, the principle of consultation with the other country when significant works are going to be made on the river, a comparison between the statute of CARU and the rules governing other similar bodies.

g) THE URUGUAY RIVER AND ITS FISHING RESOURCES (1989)

This publication collects the reports, papers

and debates held during the first seminar on fishing resources organized by the Commission. They refer to the evaluation of the resources, to the research methods and analysis used and to several scientific subjects relevant to the main species existing in the river.

h) THE URUGUAY RIVER AND ITS FISHING RESOURCES-Second Seminar (1992)

This document follows on the steps of the preceding publication. It includes all the papers submitted to the second seminar on the same subject.

i) PROJECT ON WATER QUALITY AND POLLUTION CONTROL(PROCON). First stage-progress report (1993)

Since 1987 CARU has been developing a programme directed to the study of the quality of the waters of the River Uruguay and the monitoring of the existing levels of pollution. This first report covers the period 1987-1990. The project continues and in the future a second report will be published.

j) NAVIGATION IN THE RIVER URUGUAY - First seminar(1993)

This publication contains all the papers and lectures delivered during the first seminar on the navigation of the River Uruguay. The aim of the seminar was to stress the possibilities that the river offers relating to navigation, which in times past was much more frequent than at present.

Other publications are being processed ,

particularly one collecting the papers and lectures produced during a seminar on water pollution held at the end of 1993.

At the same time, CARU is publishing a series of short brochures dealing, clearly and concisely, with different aspects of the work performed by CARU. Up to now, the list includes one entitled "CARU, an example of practical integration" (1993), which briefly describes the main characteristics of CARU; another on the activities of the Commission on fishing and protection of living resources (1993) and a third one which summarizes the seven years of studies carried out by CARU on the water quality and pollution control of the river (1994).

v. LOOKING TOWARDS THE FUTURE

After more than a decade of continued efforts to attain the goals mentioned in the Statute of the Uruguay River, the Commission is well on its way to fulfill the objectives pursued with its establishment. In particular, its activities in different technical fields, the research work and studies, the statistical information collected, the publication of relevant documents, constitute proof of a growing experience in the managing of river basins and represent a significant contribution to the process of integration which the two countries are engaged in.

The preservation and protection of the environment is an area of particular interest to CARU, which tries hard to coordinate and regulate the different uses of the river in a rational and balanced way in order not to endanger or affect the natural resources of the region.

The Commission has plans for the future on

several areas of special interest: the establishment of permanent monitoring stations to control water quality, the combination of pollution studies with concrete cleaning in affected locations, a strengthening of biological studies with a view to increase the knowledge of different factors affecting the ichthyofauna, and later to devise measures to detect and prevent massive deaths of fish.

CARU is also strongly interested in establishing links with similar international institutions, which could facilitate a reciprocal flow of information, the exchange of experiences in appropriate areas of activity, cooperation in the development of particular programmes, on the basis of similar objectives and the need of protecting the environment.

STATUTE OF THE RIVER URUGUAY *

The Government of the Republic of Argentina and the Government of the Oriental Republic of Uruguay, encouraged by the fraternal spirit inspiring the Rio de la Plata and its Maritime Front Treaty, signed at Montevideo on November 19, 1973, have agreed as follows:

CHAPTER 1 OBJECTIVES AND DEFINITIONS

ARTICLE 1

The Parties hereto have agreed upon this Statute in compliance with the provisions set forth in Article 7 of the Treaty on Borderlines in the Uruguay River signed on April 7, 1961, with the aim of setting the necessary common mechanisms for the best and rational exploitation of the Uruguay River and in strict compliance with the rights and obligations arising from the treaties and other international agreements in force for any of the parties.

ARTICLE 2

For the purpose of this Statute it is understood that:

- a) Parties mean: The Argentine Republic and the Oriental Republic of Uruguay.**
- b) Treaty means: the Treaty on Borderlines between the Argentine Republic and the Oriental Republic of Uruguay**

*** This is an unofficial traslation of the Spanish original**

on the Uruguay River, signed at Montevideo on April 7, 1961.

c) River means: the Uruguay River in the track set forth in Article 1 of the Treaty.

d) Statute means: this legal instrument.

e) Commission means: The Executive Commission of the Uruguay River, set up by this Statute.

f) Protocol means: the Protocol on the delimitation and characterization of the Argentine - Uruguayan borderline in the Uruguay River, signed at Buenos Aires on October 16, 1968.

CHAPTER II NAVIGATION AND WORKS

ARTICLE 3

The Parties shall help each other in order to offer navigation the best possible facilities and security.

ARTICLE 4

The Parties shall agree upon the regulatory rules on the security of navigation in the river and the use of the Main Channel

ARTICLE 5

The Commission shall grant the Parties, as previously agreed upon, the dredging, buoying and preservation works of the Main Channel tracks which the Commission may, from time to time, select according to the use of same and the availability of technical means.

ARTICLE 6

For the purposes set forth in Article 5, each Party shall, -within its jurisdiction- authorize that the competent services of the other may carry out its respective tasks, prior notice sent through the Commission.

ARTICLE 7

The Party which plans the construction of new channels, a significant modification or alteration of those already existing or the performance of whatever other works important enough so as to affect navigation, the river régime or the quality of the waters, shall notify the Commission, which shall speedily determine, within a maximum period of thirty days, whether the project can be of any significant harm to the other Party. If the Commission so decides or does not reach a decision on the matter, the Party involved shall, through the same Commission, notify the other Party about the project. Such notice must contain the material aspects of the works and, as the case may be, how they shall be carried out, as well as all further technical data which may enable the notified Party to assess the effect the work may likely cause on navigation, the river régime and the quality of the water.

ARTICLE 8

The notified Party shall, as from the date its Delegation to the Commission has received such notice, decide upon the project within a period of one hundred and eighty days. In case the documents mentioned in Article 7 were not complete, the notified Party shall notify within thirty days the Party planning to carry out the works of such failure, through the Commission.

The term of one hundred and eighty days referred to above shall start as from the date in which the Delegation of the notified Party has received the complete documents. This term may reasonably be extended by the Commission if the complexity of the project so requires.

ARTICLE 9

Should the notified Party express no objection or if it does not reply within the period set forth in Article 8, the other Party may carry out or may authorize the performance of the projected works.

ARTICLE 10

The notified Party shall have the right to inspect the works being carried out in order to verify whether they adjust to the submitted project .

ARTICLE 11

In case the notified Party arrived at the conclusion that the performance of the works or the operation programme could bring about a significant damage whether to navigation, the river régime or the quality of the water, it shall notify the other Party through the Commission within the one hundred and eighty days period set forth in Article 8.

The notice shall state the aspects of the works or the operation programme which may cause a significant damage to navigation, the river régime or the quality of the water, the technical reasons for such a conclusion and the modifications that it suggests be made whether to the project or to the programme.

ARTICLE 12

If the Parties do not reach an agreement within the period of one hundred and eighty days as from the date of the notice mentioned in Article 11, the procedure established in Chapter XV shall apply.

ARTICLE 13

The rules set forth in Articles 7 to 12 shall apply to all the works referred to in Article 7, whether national or binational, which either Party may plan to carry out within its jurisdiction, in the Uruguay River beyond the track defined as the River and in the respective influence areas in both tracks.

CHAPTER III PILOTAGE

ARTICLE 14

The profession of river pilots shall only be carried out by the professionals qualified by the authorities of either Party .

ARTICLE 15

Any ship setting out from an Argentine or Uruguayan port shall, when mandatory, engage a river pilot of the nationality of the port of departure.

The ship coming from the port of a third state shall, when necessary, engage a river pilot of the nationality of the port of arrival.

Any contacts the ship may have, outside the port, with the

authorities of either Party shall not alter the initial criterion taken to determine the pilot's nationality.
In other cases, the pilot shall have to be either Argentine or Uruguayan, indistinctly.

ARTICLE 16

Upon finishing their works, the Argentine and Uruguayan pilots may freely land at the ports of either Party where the ships they have been working on arrive.
The Parties shall grant the abovementioned pilots the maximum facilities for a better performance of their jobs.

CHAPTER IV PORT FACILITIES, UNLOADING AND CARGO COMPLEMENT

ARTICLE 17

The Parties shall commit themselves to conduct studies and adopt the necessary measures aimed at achieving the greatest feasible efficiency as regards their port services so as to offer the best performance and security conditions as well as enlarging the facilities they grant each other at their respective ports.

ARTICLE 18

The unloading and cargo complement tasks shall be carried out exclusively in the area the competent authority may fix in each case within the respective jurisdiction according to the technical and safety needs, particularly those regarding

dangerous or polluting cargoes.

CHAPTER V HUMAN LIFE SAFEGUARD

ARTICLE 19

Each Party shall, under its own control, direct the search and rescue operations within its own jurisdiction.

ARTICLE 20

Subject to the provisions set forth in Article 19, the authority starting the search and rescue operations shall communicate thereof to the competent authority of the other Party.

ARTICLE 21

When the importance of the operations so requires, the authority of the acting Party shall request the other Party's authority further assistance to perform the work, provided that each Party may keep control of the operations carried out within its own jurisdiction.

ARTICLE 22

Whenever the authority of either Party is not able to start or continue with the search and rescue operations, it shall request the other Party's authority to assume the responsibility for the management and performance of same, offering all possible assistance.

ARTICLE 23

The air or sea units of both Parties carrying out search or rescue operations may enter or leave any of the respective territories, without complying with the formalities regularly required.

CHAPTER VI RESCUE

ARTICLE 24

Without prejudice to the provisions set forth in the following articles, the rescue of ships shall be carried out by the authorities or companies of the Party in whose jurisdiction the accident has happened.

ARTICLE 25

The rescue of a ship in the Main Channel shall be carried out by the authorities or companies of the Party in whose jurisdiction the accident has happened, as provided for in Article 48.

ARTICLE 26

When the authorities or companies of the Party concerned in the rescuing desist from carrying it out, the authorities or companies of the other Party may carry out the same. The desistance referred to in the preceding paragraph shall not be unreasonably delayed and it shall be promptly notified to the other Party through the Commission.

CHAPTER VII UTILIZATION OF THE WATERS

ARTICLE 27

Each Party's right to exploit the river waters within its own jurisdiction for domestic, sanitary, industrial and agricultural purposes, shall be exercised without prejudice to the application of the procedure set forth in Articles 7 to 12 when the utilization of same is as significant as to affect either the river régime or the quality of the water.

ARTICLE 28

Every six months the parties shall submit to the Commission a detailed report on the utilization they may carry out or authorize in the river areas under their respective jurisdictions, so that the Commission may control whether such utilization, as a whole, can produce any sensitive damage.

ARTICLE 29

The provisions set forth in Article 13 shall apply to any utilization which may in any way affect the river régime or the quality of the waters.

CHAPTER VIII

RIVER BED AND SUBSOIL RESOURCES

ARTICLE 30

Each Party may explore and exploit the river bed and subsoil resources in the area under its own jurisdiction without causing harm to the other Party .

ARTICLE 31

The facilities or other works necessary for the exploration or exploitation of the bed and subsoil resources shall not interfere with the Main Channel navigation.

ARTICLE 32

The field or deposit extending to one or the other side of the borderline set forth in Article 1 of the Treaty shall be exploited in such a way that the distribution of the resource volume extracted from said field or deposit has due proportion as to the volume of that at each side of said border line. Each Party shall undertake the exploration and exploitation of the fields or deposits in such conditions without causing the other Party any sensitive harm and in compliance with the provisions of a comprehensive and rational utilization of the resources consistent with the criterion set forth in the foregoing paragraph.

ARTICLE 33

In the concessions to extract sand, boulder, or stone from the river bed or subsoil the granting Party shall, among others,

establish the following conditions:

a) that the residues from the washing and classification of the extracted materials be unloaded only in the places the Commission appoints as spoil grounds.

b) that no extractions can be carried out at minor distances than those indicated by the Commission in relation to the navigation channels and other river segments.

ARTICLE 34

The provisions set forth in Articles 7 to 12 shall, accordingly, be applicable when the exploration and exploitation of the bed and subsoil resources may affect either the river régime or the quality of the waters.

CHAPTER IX PRESERVATION, UTILIZATION AND EXPLOITATION OF FURTHER NATURAL RESOURCES

ARTICLE 35

The Parties are bound to adopt the necessary measures in order that the handling of the soil and the forests, the utilization of the underground waters and of the river tributaries do not cause any alteration which may result in a sensitive damage either to the river régime or the quality of the waters.

ARTICLE 36

The Parties shall coordinate, through the Commission, the pertinent measures to prevent any alteration of the ecological

balance and to control pests and other harmful factors in the river and its areas of influence.

ARTICLE 37

The Parties shall agree upon the rules governing the fishing activities in the river regarding the conservation and the preservation of the living resources.

ARTICLE 38

If the fishing intensity so requires, the Parties shall agree upon the maximum catch per species as well as the pertinent periodic adjustments. Such catch shall be equally distributed between the Parties.

ARTICLE 39

The Parties shall, at regular intervals and through the Commission exchange relevant information on the fishing effort and catch per species.

CHAPTER X POLLUTION

ARTICLE 40

For the purposes of this Statute pollution means the direct or indirect introduction of harmful substances or power into the aquatic environment.

ARTICLE 41

Without prejudice to the functions assigned to the Commission on this respect, the Parties are bound:

a) To protect and preserve the aquatic environment and particularly to prevent its pollution, establishing standards and adopting the appropriate measures in compliance with the applicable international agreements and in conformity, if relevant, with the guidelines and recommendations of the international technical agencies.

b) Not to lower in their respective legal system:

1) the technical standards in force to prevent water pollution, and

2) the seriousness of the penalties for violation.

c) To inform each other of any water pollution standards they intend to set with a view to establish equivalent standards in their respective legal systems.

ARTICLE 42

Each Party shall be responsible to the other Party for damages resulting from pollution caused by its own activities or by those carried out in its territory by legal or natural persons.

ARTICLE 43

As regards any violation related to pollution, each Party shall apply its own jurisdiction without prejudice to the rights of the other Party to seek compensation for damages resulting from said violation.

To that effect the Parties hereto shall cooperate with each other.

CHAPTER XI RESEARCH

ARTICLE 44

Either Party shall authorize the other to conduct scientific studies and research in its respective jurisdiction provided that prior notice has been given through the Commission in due course and the characteristics of such studies and research to be carried out have been stated as well as the areas in and terms under they will be performed.

This authorization shall only be denied under exceptional circumstances and for limited periods.

The Authorizing Party shall have the right to participate in all the stages of such studies and research and to know about and have access to the findings thereof.

ARTICLE 45

The Parties shall promote the conduct of joint scientific studies which both parties may be interested in.

CHAPTER XII JURISDICTION

ARTICLE 46

The policing on the river shall be exercised by each Party within its own jurisdiction.

Without prejudice to the aforesaid the authority of one Party which verifies that an offence is being committed within the jurisdiction of the other Party may apprehend the infringer and surrender it to the authority of the latter except as otherwise provided for in Article 48.

Likewise the authority of either Party may pursue those ships which, having committed an infringement within their own jurisdiction, have entered the jurisdiction of the other Party. In those cases provided for in the second and third paragraphs, the policing within the jurisdiction of the other Party shall be promptly notified to it and under no circumstance can it be enforceable beyond a certain distance off the coast of the same which shall be determined by the Commission for each of the tracks.

The Parties shall coordinate the action referred to in this Article.

ARTICLE 47

The Parties shall coordinately exercise the appropriate surveillance for the prevention of unlawful acts and infringements committed in the area included within the lines as defined in Article 1 section B) subsection II, paragraphs a) and b) of the Treaty.

ARTICLE 48

The vessels navigating the Main Channel shall be deemed as located within the jurisdiction of one or the other Party according to the following criteria:

a) Within the jurisdiction of each Party, the vessels flying their own flag.

b) Within the jurisdiction of the Oriental Republic of Uruguay, the third-country flag vessels navigating up the river and within the Argentine Republic's jurisdiction those navigating down the river, without prejudice to the provisions set forth in subparagraphs c) and e).

c) Within the jurisdiction of each Party, third-country flag vessels involved in accidents with such Party's own flag vessels.

d) Within the jurisdiction of the Party of its own flag vessel of greater tonnage, when both Parties' flag vessels are involved in an accident, except when one of them is a warship, in whose case they shall be deemed as within the jurisdiction of this latter one flag.

e) Within the jurisdiction of the corresponding Party according to subparagraph b) applicable to the greater tonnage vessel, when only third-country flag vessels are involved in an accident.

f) In cases not provided for herein, the Commission shall decide.

Without prejudice to the provisions set forth in subparagraph

d), in those cases where war ships are involved, this Article shall not apply.

CHAPTER XIII EXECUTIVE COMMISSION

ARTICLE 49

The Parties shall set up an Executive Commission of the Uruguay River composed of an equal number of representatives for each Party.

ARTICLE 50

The Commission shall have legal capacity to comply with its obligations.

The Parties shall assign this Commission the necessary resources and all essential elements and facilities for its operation.

ARTICLE 51

The Commission shall have its headquarters at the city of Paysandú, Oriental Republic of Uruguay, but it may meet in the territory of either Party.

ARTICLE 52

The Commission may set up the ancillary bodies it may deem necessary.

It shall work on a permanent basis and shall have its own secretariat.

ARTICLE 53

The Parties shall, through exchange of notes, agree upon the Statute of the Commission. The Commission shall establish its own internal regulations.

ARTICLE 54

The Commission shall conclude agreements with both Parties, intended to determine the privileges and immunities of the members and staff of same, consistent with international practice.

ARTICLE 55

For the adoption of the Commission's decisions each delegation shall have one vote.

ARTICLE 56

The Commission shall have the following duties:

a) To establish, among others, regulatory rules on:

- 1) Security on the river navigation and use of the main channel;**
- 2) Conservation and preservation of the living resources;**
- 3) Pilotage;**
- 4) Prevention of pollution;**
- 5) Run of underriver or aerial pipes and cables.**

b) To coordinate the joint undertaking of studies and research of a scientific nature, particularly those relating to the comprehensive river surveying.

- c) To establish, when appropriate, the maximum catch per species and to adjust them periodically.**
- d) To coordinate between the competent authorities of the Parties, the measures relating to prevention and repression of unlawful acts.**
- e) To coordinate the adoption of plans, manuals, terminology and common communications systems as regards search and rescue.**
- f) To establish the procedures to be followed and the information to be furnished in the cases where the units of one Party involved in search and rescue operations, enters or leaves the territory of the other Party.**
- g) To establish the formalities to comply with in the cases where material for searching and rescuing operations is temporarily introduced into the territory of the other Party.**
- h) To coordinate the assistance for navigation, buoying and dredging.**
- i) To establish the legal-administrative régime for the binational works and facilities to be carried out and to administer the same.**
- j) To publish and update the Official Charter of the River, with its delimitation of borderlines, in coordination with the Commission set up by the Protocol.**
- k) To promptly report to the Parties those communications, consultations, informations and notices done in compliance with this Statute.**

l) To comply with all further tasks conferred to by this Statute and with those the Parties agree on to grant either through an exchange of notes or otherwise.

ARTICLE 57

The Commission shall regularly inform the Governments of the Parties on the development of its activities.

CHAPTER XIV SETTLEMENT PROCEDURES

ARTICLE 58

Any dispute which may arise between the Parties as regards the river, shall be put to the consideration of the Commission, upon request of either Party.

ARTICLE 59

If within a one hundred and twenty days period the Commission were unable to reach an agreement, both Parties shall be notified thereof by the Commission. Said Parties shall endeavour to settle the dispute through direct negotiations.

CHAPTER XV JUDICIAL SETTLEMENT OF DISPUTES

ARTICLE 60

Any dispute concerning the construction or application of the Treaty and of these Regulations which may not be settled through direct negotiations may, at the request of either Party, be submitted to the International Court of Justice.

In the cases referred to in Article 58 and 59, either Party may submit any dispute on the interpretation or application of the Treaty and of this Statute to the International Court of Justice whenever such dispute cannot be settled within one-hundred and eighty days following the notice referred to in Article 59.

CHAPTER XVI TEMPORARY PROVISIONS

ARTICLE 61

The provisions set forth in Article 56, paragraph i) shall apply to present binational works under way once they are finished and when the Parties agree through either an exchange of notes or otherwise.

ARTICLE 62

The Commission shall be set up within sixty days after the exchange of the ratification instruments of this Statute.

CHAPTER XVIII
RATIFICATION AND ENTRY INTO FORCE

ARTICLE 63

This Statute shall be ratified according to the procedures provided for in the respective legal systems of both Parties and it shall enter into force after the exchange of ratification instruments carried out in the city of Buenos Aires.

DONE in the city of Salto, Oriental Republic of Uruguay, on this twenty sixth day of February of the year one thousand nine hundred and seventy five, in two original copies, both texts being equally authentic.

**For the Government of the
Argentine Republic**

**ALBERTO JUAN VIGNES
Minister of Foreign Affairs
and Worship**

**For the Government of the
Oriental Republic of Uruguay**

**JUAN CARLOS BLANCO
Minister of Foreign Affairs**

Ratified by Act No. 21.413 of the Argentine Republic dated September 9, 1976 and Act 14.521 of the Oriental Republic of Uruguay dated May 20, 1975.

ORGANIZATION OF THE RIVER URUGUAY EXECUTIVE COMMISSION

