

No. 9540

**ARGENTINA
and
URUGUAY**

**Agreement concerning the utilization of the rapids of the
Uruguay River in the Salto Grande area. Signed at
Montevideo on 30 December 1946**

**Additional Protocol to the above-mentioned Agreement.
Signed at Montevideo on 30 December 1946**

Authentic text: Spanish.

Registered by Argentina on 14 May 1969.

**ARGENTINE
et
URUGUAY**

**Accord relatif à l'utilisation des rapides du fleuve Uruguay
dans la région du Salto Grande. Signé à Montevideo
le 30 décembre 1946**

**Protocole additionnel à l'Accord susmentionné. Signé à
Montevideo le 30 décembre 1946**

Texte authentique: espagnol.

Enregistré par l'Argentine le 14 mai 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING THE UTILIZATION OF THE RAPIDS OF THE URUGUAY RIVER IN THE SALTO GRANDE AREA

His Excellency the President of the Argentine Republic and His Excellency the President of the Eastern Republic of Uruguay, desiring to obtain from the natural advantages of the rapids of the Uruguay River in the Salto Grande area the greatest possible benefits for the economic, industrial and social development of the two countries and with a view to improving the river's navigability, utilizing its waters for the production of electric power, facilitating land communications between the two countries, and achieving any other purpose which may, without prejudice to the foregoing aims, contribute to such common benefits, have resolved, in pursuance of article 5 of the Act of thirteen January one thousand nine hundred and thirty-eight, to conclude this Agreement and to that end have appointed the following plenipotentiaries :

His Excellency the President of the Argentine Republic : His Excellency Dr. Gregorio N. Martínez, Ambassador Extraordinary and Plenipotentiary to the Eastern Republic of Uruguay; and

His Excellency the President of the Eastern Republic of Uruguay : Dr. Eduardo Rodríguez Larreta, Minister and Secretary of State of the Department of Foreign Affairs, Mr. César Mayo Gutiérrez, Minister and Secretary of State of the Department of Public Works and Dr. Héctor Álvarez Cima, Minister and Secretary of State of the Department of Finance;

who, having exchanged their full powers, found to be in good and due form, have agreed as follows :

Article 1

The High Contracting Parties declare that, for the purposes of this Agreement, the waters of the Uruguay River shall be utilized jointly and shared equally.

Article 2

The High Contracting Parties agree to appoint and maintain a Mixed Technical Commission composed of an equal number of delegates from each country which shall deal with all matters relating to the utilization, damming, and diversion of the waters of the Uruguay River.

¹ Came into force on 28 January 1947 by the exchange of the instruments of ratification, which took place at Montevideo, in accordance with article 13.

The salaries and expenses of the said delegates shall be paid by their respective Governments.

Article 3

The Mixed Technical Commission shall draw up its technical and administrative rules of procedure and formulate its plan of work, basing itself on the following rules and principles laid down by the High Contracting Parties for this purpose :

(a) The following order of priority shall apply to the various water uses and no use which obstructs or restricts them shall be permitted :

1. Use for domestic and sanitation purposes;
2. Use for navigation;
3. Use for production of electric power;
4. Use for irrigation.

The Commission shall also formulate requests to the Governments to take the necessary measures for the conservation of fishery resources.

(b) The Mixed Technical Commission shall take its decisions by the votes of a majority of its members. In the event of equally divided votes, the delegations shall report separately to their Governments. The High Contracting Parties shall strive to reach agreement and the terms of any agreement so reached shall be registered and communicated to the Mixed Technical Commission, which shall take the necessary action to implement it. If no agreement is reached, the High Contracting Parties shall resolve their disputes by diplomatic procedures and if no settlement is reached by this means, the disputes shall be submitted to arbitration.

(c) The Mixed Technical Commission shall address all its communications to the Ministries of Foreign Affairs of both countries and shall send them copies of all its official acts and decisions, any other information it deems appropriate.

(d) The Commission shall employ such permanent or temporary technical and administrative staff as it needs. For this purpose it shall, except in special circumstances, employ an equal number of nationals of each of the High Contracting Parties.

Article 4

The cost of the joint works and installations, comprising mainly the dam with its mechanical and electrical generating plant, and of surveys and plans, shall be equally shared.

The cost of the works which are not undertaken jointly, comprising mainly access and auxiliary facilities and transmission lines, and of compensation and

expropriation to be effected in the territory of each country, shall be borne by the respective Governments.

The cost of the works and installations required for the purposes of navigation upstream of the dam shall be borne by each country in proportion to its use of them, having regard to their respective zones of influence, the extent of the river bank and probable traffic.

The maximum estimated cost of the joint works and installations shall be such as to permit electric power to be produced at a cost not exceeding that at which it would be supplied by a thermal power station of the same capacity situated in the same area. If the cost of the joint works and installations should exceed this estimated maximum, the amount of the excess shall be added to the cost of the navigation works.

If the total installed capacity should for any period be divided between the High Contracting Parties otherwise than in the proportion of 50 per cent each, the share of the cost of the joint works and installations to be borne by each of the parties during that period shall be proportionate to its share of the installed capacity.

If, when the definitive plan is drawn up, the Eastern Republic of Uruguay should claim, for a specified period, less than one-half of the total installed capacity, the Argentine Republic shall take the remainder for that period and shall restore it to Uruguay in accordance with the latter's anticipated consumption, the restoration to be effected four years after the requisite notification.

Irrespective of the proportion in which each of the High Contracting Parties contributed, the joint works and installations shall be jointly owned in equal shares by the signatory States at the end of the period of amortization.

Article 5

The High Contracting Parties agree that permission for the use and diversion, whether temporarily or permanently, of the waters of the Uruguay River and its tributaries upstream of the dam shall be granted by the Governments only within their respective jurisdictions and after a report by the Mixed Technical Commission.

Article 6

The Mixed Technical Commission shall arrange for the carrying out of any surveys which are required at the time when it enters upon its functions and shall draw up plans for the necessary works and installations, which, together with the relevant budgets, specifications, economic and financing plans, and provisions governing the general arrangements for labour, shall be submitted to the High Contracting Parties for consideration and approval.