

Institute of International Law
Regulation governing Navigation on International Rivers
Resolution of Paris, 19 October 1934

from
Annuaire de l'Institut de droit international, Session de Paris, October 1934, Brussels 1934, pp. 713-719

Article 1

These Regulations shall apply:

1. To rivers referred to as international, i.e. to those waterways which, in the naturally navigable part of their course, traverse or separate two or more States, and to any tributaries having the same characteristics;
2. To waterways which, though not international in the sense defined above, come under the following categories:
 - (a) navigable waterways referred to as intermediate waters between two international rivers;
 - (b) artificial navigable waterways or other man-made facilities that are, or are to be, established on or between certain sections of the same international river with a view to making good the deficiencies of the naturally navigable waterway.

Article 2

Movement on an international waterway shall be free. This freedom shall comprise:

- (a) the right for all vessels, boats, timber-trains and other means of water transport to circulate freely throughout the navigable length of the waterway, on condition that they comply with these Regulations and, as appropriate, with any additional rules or enforcement rules to be prescribed by the riparian States. Such rules may not conflict with these Regulations;
- (b) the right of users to make use, in addition, for themselves and their merchandise, of the waterways and facilities referred to in Regulation 2 (a) and (b).

Article 3

On one and the same international waterway the citizens, property and flags (whether maritime or fluvial) of all nations shall, in all matters of direct or indirect concern to navigation, be treated on a footing of perfect equality and in conformity with international law.

In particular, no distinction shall be made between them whether by reason of their provenance or by reason of their destination or, again, by reason of ports or of sea or other lines, entrepôts or other installations made use of en route, before or after their passage over international waterway.

No monopoly or privilege shall be granted on international waterways in respect of navigation or in the use of public ports and other facilities or their installations or equipment.



If any State deems it appropriate to impose for the transport of persons or merchandise from one port to another subject to its authority, restrictions similar to those that a State may impose on coastal navigation, it may do so only in such a way that does not entail the cessation of navigation for other flags on the river.

Article 4

Any vessel plying on an international waterway have a flag.

For the purposes of enforcing this Regulation, the flag of each and every vessel shall be determined by its place of registry.

In the case of any State having no coastline or international river bank, it shall be sufficient that the place of registry be situated on its territory.

Article 5

No taxes or dues may be levied whether on the course or at the mouth of any international waterway other than those in the nature of payment for services rendered to navigation, for the upkeep of navigability or for the improvement of the waterway.

These navigations dues shall be calculated in such a way as to cover only costs and disbursements effectively sustained and established in such a way as to render any detailed examination of the cargo unnecessary.

Article 6

Each riparian State may levy for the use of the equipment and installation of its ports, taxes and dues which shall be the same for all and reflect the expenditure effectively sustained for their establishment, upkeep and operation.

Article 7

Any public service established in the interest of navigation on any part of an international waterway or in any port thereon shall, if it is not free of charge, entail tariffs that are made public and are calculated in such a way as not to exceed the reasonable cost of the service rendered.

These provisions shall apply in particular to pilotage, warning, tug, towage and lock-keeping services.

Article 8

Customs formalities shall be limited to those strictly necessary in order to delay navigation as little as possible.

Transit on sections where the river forms a frontier shall be exempt from any dues or formalities no indispensable in order to prevent contraband or to safeguard public health; at the mouths and on other sections, formalities affecting transit shall be regulated by agreement between the riparian States.

For imports and exports through any port on the international waterway, customs formalities shall be regulated by the general legislation of the State of the said port, with due regard to the observance of the general principles of freedom and equality of flags.

Save where exceptional reasons of economic necessity justify departure from this rule, customs dues levied on imports and exports by any of the ports referred to in this regulation may not exceed those levied at the customs frontiers of the State in question on similar merchandise of the same provenance and having the same destination.

Each riparian State shall nevertheless remain free to determine its customs tariffs and to take all appropriate measures with a view to safeguarding public order and public health, while maintaining as far as possible freedom of navigation and equality of treatment.

No vessel may be seized by reason of a customs offence committed by a member of the crew or a passenger on any of the waterways contemplated in these Regulations.

Article 9

Riparian States shall determine among themselves the rules necessary in order to guarantee freedom and safety of navigation. This consideration shall apply in particular to rules governing capacities in terms of persons and materials on board.

The uniform application of these rules shall be assured by each of the States concerned with navigation. Policing and operation of ports shall remain within the exclusive jurisdiction of the State under whose sovereignty those ports are placed, with due regard to the observance of these Regulations.

Article 10

Riparian States shall, each on its own territory, take:

- (a) Police and inspection measures designed to regulate the use of the navigable waterway in the interest of public order and safety;
- (b) measures conducive to safeguarding the interests of navigation as regards the construction of bridges and other works affecting such navigation;
- (c) measures for the upkeep and improvement of the navigable waterway, and the buoyage and signaling, thereof.

Whenever their agreement is necessary, they shall first consult with a view in particular to securing uniformity of the legal and technical régime of navigation, the observance of the provisions of these Regulations, the uniformity of the rules concerning the imposition, collection and destination of taxes

on navigation and the settlement of any conflicts that may arise out of the different uses made of the river.

Article 11

Riparian States shall have regard to the needs of navigation in their choice of the place of their courts appointed to hear cases affecting such navigation.

The procedure followed by such courts shall be as summary as possible.

Article 12

The police and navigation rules in force on any section of the river shall apply to military vessels or those assigned to a non-commercial public service on that section.

Article 13

All provisions of these Regulations shall apply to vessels, other than those referred to in the previous regulation, which are the property of the State on which are chartered to or requisitioned by it.

Article 14

States signatory to these Regulations shall be free to adopt, by means of special convention, a régime that is more favourable to navigation.

Article 15

Disputes arising as to the interpretation of these Regulations shall be submitted, failing amicable settlement between the States concerned, to conciliation procedures, arbitration or judicial ruling.