

International Regulation on River Navigation

Resolution of Heidelberg, 9 September 1887

General Provisions

Article 1

The riparian States of a navigable river are obliged, in the general interest, to regulate, by common agreement, everything relating to the navigation of such river.

Article 2

The navigable affluents of international rivers are, in every respect, subject to the same régime as the rivers whose tributaries they are, in conformity with the agreement unclouded between the riparian States, and with the present Regulation.

Article 3

The navigation on the whole course of international rivers, from the point where each of them becomes navigable, to the sea, is entirely free, and cannot, as regards commerce, be forbidden to any flags.

The boundary line of the States separated by the river is marked by the thalweg, that is to say, by the middle line of the channel.

Article 4

The subjects and flags of all nations are in every respect on the footing of perfect equality. No distinction shall be made between the subjects of riparian States and those of non-riparian States.

Article 5

The navigation dues levied on international rivers shall have, for their exclusive object, that of covering the cost of the works for the improvement of these rivers and of the maintenance of their navigability in general.

Article 6

In time of war, the navigation of international rivers shall be free for the flags of neutral nations, subject to such restrictions as may be imposed by the force of circumstances.

Article 7

All the works and establishments created in the interest of navigation, notably the offices for the collection of dues, and their safes, as also the staff permanently in the service of these establishments, are placed under the safeguard of permanent neutrality, and shall, in consequence, be respected and protected by the belligerent States.

Particular Provisions

Article 8

Any sailing vessel or steamer, without distinction of nationality, is free to carry passengers or goods, or to tow other vessels between all the ports situated along international rivers.

Foreign vessels, whether fluvial or sea-going, shall not be admitted to the regular exercise of small coasting trade (petit cabotage), i.e. the continuous and exclusive traffic between ports of the same riparian State, except in virtue of a special authorization by that State.

Article 9

Vessels and goods in transit on international rivers are not subject to any transit duty, whatever their origin or destination.

Article 10

The navigation of international rivers is exempt from staple dues, port dues (échelle), storehouse dues (dépôt), compulsory breaking bulk or forced harbour dues. No tolls, whether maritime or fluvial, shall be levied.

Article 11

There may be levied dues or duties having the character of a reimbursement for the actual use of harbour establishments, such as cranes, weighing machines, wharves, and warehouses.

Article 12

The customs duties, octroi duties, or taxes on consumable articles established by the riparian States shall not in any way hinder navigation.

Article 13

The harbour dues for the actual use of cranes, weighing machines, etc. as also the dues for pilotage, lighthouse, lighting and buoys, destined to cover the technical and administrative expenses incurred in the interest of navigation shall be determined by tariffs officially published in all the ports of international rivers.

Article 14

The tariffs above mentioned shall be drawn up by the “mixed commission” of the riparian States.

Article 15

The tariffs shall not involve any differential treatment.

Article 16

The tariffs of the dues mentioned in Article 13 shall be calculated on the cost of construction and maintenance of the local establishments, and according to the tonnage of the vessels as indicated in the ships' papers.

Article 17

The riparian States may not levy customs duties on merchandise in transit on international rivers, except when it is to be introduced into the territory of these States.

Article 18

Vessels are not allowed to unload their cargoes, either wholly or in part, except in ports and other places on the banks provided with a custom-house, save in case of force majeure.

Article 19

Vessels proceeding on their voyage and provided with the prescribed papers may not be stopped under any pretext by the customs officers of the riparian States, if the two banks belong to different States.

Article 20

Vessels entering into a part of an international river where the two banks belong to the same State, have to pay the customs duties imposed by the local tariff upon merchandise imported into the territory of that State.

Goods in transit are only subject to the placing of seals and to the custody of customs officers.

Article 21

The riparian States shall agree among themselves upon a body of policy regulations destined to regulate the use of the river in the special interest of security and public order.

Article 22

Special tribunals of navigation, or the ordinary courts existing in the riparian countries, shall, on appeal, be competent to adjudge the penalties for infractions of the police regulations established on a footing of perfect equality for all vessels, without any distinction of nationality whatever.

Article 23

Quarantine establishments shall be created, by the initiative of the riparian States, at the mouths of international rivers; control is to be exercised over vessels both when they enter and when they leave the river.

Sanitary control over vessels, while they are navigating the river is exercised on the basis of the special provisions established by the riparian commissions.

Article 24

The works necessary to ensure the navigability of international rivers, are to be undertaken either directly by the States or on the initiative of the riparian Commissions.

Article 25

Each riparian State shall be free to take such steps as it may think necessary to maintain and improve, at its own expense, the navigability of the sections of international rivers subject to its sovereignty.

Article 26

In every case, it shall be forbidden to undertake works which may modify the actual condition of the common waterway or impede its navigation, and against which the other riparians have protested.

Article 27

The authorities set over the navigation of international rivers are:

- (1) the authorities of the riparian States;
- (2) the riparian Commission, composed of the delegates of the sovereign States.

Article 28

Each riparian State retains its sovereign rights over the sections of international rivers subject to its sovereignty, within the limits laid down by the stipulations of this Regulation and by the Treaties and Conventions.

Article 29

The riparian Commission arrives at its decisions by a majority of votes. In case of equality, the president has the casting vote.

However, a vote does not bind the States whose representatives form the minority, if, beforehand, the delegates of these States have formally objected to the execution of the measure proposed.

Article 30

The riparian Commission is a permanent authority over international rivers; it has the following functions:

- (1) to designate the works indispensable for improving and developing the navigability of the rivers, and cause them to be executed;
- (2) to draw up and put in force the tariffs of navigation and other dues mentioned in Articles 13 to 18;
- (3) to elaborate the regulations for river police;
- (4) to watch over the maintenance in good condition of the works, and the strict observance of the provisions of these international regulations;
- (5) to appoint the chief inspector of the navigation of the international river.

Article 31

The Chief Inspector exercises his functions as the organ of the riparian Commission and under its direction. He exercises his authority over all flags without distinction.

Article 32

The Chief Inspector watches over the application of this international regulation and of the river regulation, and supervises the police of navigation.

Article 33

This functionary has the right, in the performance of his duty, directly to demand the assistance of the military posts or of the local riparian authorities.

Article 34

The local inspectors, the quarantine officials and the employees of the offices for the collection of dues are appointed by each riparian State; but they perform their duties under the orders of the Chief Inspector, and have, like him, an international character.

Article 35

Two or more riparian States may make mutual agreements for the nomination of the same delegate to the riparian Commission or of the same local inspector, or of the employees of the offices for the collection of dues, of the quarantine officials, of the judges of the tribunals, etc.

Article 36

The Chief Inspector pronounces, in first instance, the penalties to be inflicted for infractions of the regulations of navigation and police.

Article 37

Appeals against his judgements must be brought either before a tribunal of navigation created for that purpose, or before a local court specially designated by each riparian State, or before the riparian Commission.

Article 38

Each riparian State appoints the engineers charged with supervising the maintenance and improvement of the section of the river subject to its sovereignty.

Article 39

The Powers shall fix by common agreement the system of measuring river and sea-going vessels for the purpose of ascertaining their tonnage, this system being obligatory for all nations.

Article 40

In case of war between the riparian States, all property afloat on an international river, without distinction between neutral and enemy property, shall be accorded similar protection to that granted to enemy property in case of war on land.