

No. 9521

ARGENTINA
and
URUGUAY

Agreement concerning the construction of the international bridge over the River Uruguay in the Fray Bentos (Uruguay) — Puerto Unzué (Argentina) area (with map). Signed at Buenos Aires on 30 May 1967

Authentic text: Spanish.

Registered by Argentina and Uruguay on 28 April 1969.

ARGENTINE
et
URUGUAY

Accord relatif à la construction d'un pont international sur l'Uruguay dans la zone de Fray Bentos (Uruguay) — Puerto Unzué (Argentine) [avec carte]. Signé à Buenos Aires le 30 mai 1967

Texte authentique: espagnol.

Enregistré par l'Argentine et l'Uruguay le 28 avril 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT ¹ BETWEEN THE GOVERNMENT OF THE ARGENTINE REPUBLIC AND THE GOVERNMENT OF THE EASTERN REPUBLIC OF URUGUAY CONCERNING THE CONSTRUCTION OF THE INTERNATIONAL BRIDGE OVER THE RIVER URUGUAY IN THE FRAY BENTOS (URUGUAY) — PUERTO UNZUE (ARGENTINA) AREA

The Governments of the Eastern Republic of Uruguay and the Argentine Republic, desiring to develop still further, if possible, the traditional ties of friendship between their two peoples, and convinced that those ties will become more meaningful as the lines of communication between the two territories are expanded, thereby overcoming the accidents of geography, have resolved to construct bridges, which are works of inestimable social, political and economic value. To that end they exchanged notes on 23 November 1960, ² 16 June 1961 ² and 12 February 1966 ³, duly establishing the respective joint technical commissions responsible for carrying out the technical studies necessary for preparing the preliminary design for these works.

Furthermore, considering that the Joint Technical Commission (COMPAU) established by the exchange of notes of 23 November 1960 has carried out its assignments, the two Governments have decided to conclude this Agreement and have appointed as their plenipotentiaries, the Eastern Republic of Uruguay: His Excellency the Minister for Foreign Affairs, Mr. Héctor Luisi, and the Argentine Republic: His Excellency the Minister for Foreign Affairs and Public Worship, Mr. Nicanor Costa Méndez,

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

Article 1

The High Contracting Parties agree to approve the work carried out in its field of competence by the Joint Technical Commission (COMPAU) established by the exchange of notes of 23 November 1960.

¹ Came into force on 17 October 1967 by the exchange of the instruments of ratification which took place at Montevideo in accordance with article 15.

² See p. I. 153 of this volume.

³ See p. I. 167 of this volume.

Article 2

The High Contracting Parties commission COMPAU to arrange for the construction of the road bridge recommended by it for the Fray Bentos (Uruguay) – Puerto Unzué (Argentina) area and, for the specific purposes of its assignment, endow it with the juridical capacity necessary to acquire rights and contract obligations. COMPAU shall have its headquarters at Montevideo.

Article 3

COMPAU shall submit for approval to the High Contracting Parties the rules of procedure that are to govern the work assigned to it under this Agreement; the parties shall approve the rules within ninety days.

Article 4

COMPAU shall carry out the following works and activities, which it shall submit for approval to the High Contracting Parties:

- (a) Prepare the basic budgets for the main and ancillary works in each territory;
- (b) Propose whatever expropriations of real property may be necessary;
- (c) Invite public tenders on an international basis in order to select competitors and judge designs for the works;
- (d) Invite public tenders on an international basis for the construction of the works;
- (e) Inform the respective Governments of their consideration and study of the entries and tenders received, recommending approval and/or award.

Article 5

COMPAU shall judge the entries for the preliminary data and the designs and/or tenders for the works themselves subject to the approval of the respective Governments; it shall also:

- (a) Draw up the relevant contracts;
- (b) Supervise the execution thereof;
- (c) Ensure the partial, total, provisional and final acceptance of the works and installations;
- (d) Approve the certificates of acceptance of the works and make the necessary payments.

Article 6

COMPAU shall propose to the High Contracting Parties any rules and/or provisions which it may prove necessary to introduce within the internal system of each State during the construction and operation of the bridge for the purpose of complying with the objectives established in this Agreement.

Article 7

Any doubtful points or misunderstandings liable to cause the suspension of transactions or work in the area concerned and in that area only which cannot be resolved by COMPAU shall be submitted for consideration by the Governments, which shall seek to settle them rapidly and amicably.

Article 8

The operating costs and other expenditures of COMPAU shall be defrayed in equal parts by the High Contracting Parties.

Each High Contracting Party shall defray the costs and other expenditures of its own delegation.

COMPAU shall arrange directly with the respective customs authorities for the free transit of such vehicles, vessels, equipment and other items as the delegations have to transport temporarily from one territory to the other in carrying out their work; such items shall be exempt from all levies.

Article 9

The cost of the works necessary to ensure that the proposed road link constitutes a functional unit shall be defrayed by each High Contracting Party for the sector under its jurisdiction.

For the purpose of defining the above, the road link works shall be deemed to be those situated between points A₁ and U₁ on the map showing the axis of the bridge prepared by COMPAU in 1961, which is annexed¹ to this Agreement.

Article 10

The High Contracting Parties agree that the cost of the road link and of the common works and services required for its operation and safety may be financed :

¹ See insert between pp. 182 and 183 of this volume.

- (a) With funds from each High Contracting Party covering the cost of the sector within its jurisdiction ;
- (b) With credits to be obtained jointly, possibly through COMPAU, and to be defrayed by each country in an amount proportional to the cost of the sector within its jurisdiction ;
- (c) By a combination of the two aforesaid methods.

Article 11

For the purpose of establishing jurisdiction over the bridge, the High Contracting Parties agree that the bridge shall be considered divided at a point coinciding with the jurisdictional boundaries of the subjacent waters.

Article 12

The entire length of the bridge shall be the joint and indivisible property of the High Contracting Parties. They shall have equal rights and under the toll system for the purpose of maintaining and operating the bridge, and the income and expenditure shall be shared in the proportion established for costs in article 9.

Article 13

The High Contracting Parties shall commission COMPAU to operate, administer and maintain the works and recommend the toll rates. The rates shall at least be sufficient to amortize the cost of the works over the financing periods and to cover the maintenance, conservation and servicing costs of the road link during amortization and thereafter.

Article 14

This Agreement shall not affect the sovereignty which the High Contracting Parties exercise over their respective territories. Pension, social security and other labour provisions relating to the workers on the project shall be governed by the legislation in force in the country where they maintain permanent domicile of choice.

COMPAU, the entrepreneurs, constructors and contractors shall pay the employers' and employees' pension and social security contributions to the competent institutions of the country where the employees maintain their permanent domicile of choice.

Employees who have not established their permanent domicile of choice in the territory of one of the two Contracting Parties must do so for the required purposes.

Article 15

This Agreement shall be ratified in accordance with the constitutional formalities of each High Contracting Party and shall enter into force at the time of the exchange of ratifications, which shall take place in the city of Montevideo. All of the above shall be done as quickly as possible.

IN WITNESS THEREOF the respective plenipotentiaries have signed and sealed this Agreement in two equally authentic copies, in the Spanish language, at Buenos Aires on the thirtieth day of May nineteen hundred and sixty-seven.

For the Eastern Republic
of Uruguay :

Héctor LUISI
Minister for Foreign Affairs

For the Argentine Republic :

Nicanor COSTA MÉNDEZ
Minister for Foreign Affairs
and Public Worship