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МЕЖДУНАРОДНЫЕ ОРГАНИЗАЦИИ И РАЗВИТИЕ ОТДЕЛЬНЫХ ОТРАСЛЕЙ МПП

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THE STRUCTURE OF INTERNATIONAL LEGAL REGIME REGARDING THE NAVIGATIONAL USAGE OF INTERNATIONAL RIVERS

Abstract: *This article is dedicated to the issues of main components of international legal regime of navigation on international inland waterways. The author examines this problem from the position of the legal theory, and presents elements that are part of the structure of the legal regime of navigational usage of international rivers. The author believes that the international legal regime of the navigational usage of international rivers must be aimed at setting a unified equal order and conditions for passage through the waterways. A special attention is given to the issues of content of freedom of navigation of international rivers. The author claims that the principles of international law should be projected upon the regulation of navigation on the international rivers. The author highlights significant and insignificant components of legal regulation of international marine traffic. As the main method of legal regulation, the author proposes using an international agreement that would define the area of the regime of navigation on international rivers, contain the norms of material and procedural law, as well as institutional mechanisms of cooperation in this sphere between the countries, and the mechanism of regulation of disputes between them..*

Keywords: *Riparian state, innocent passage, navigational usage, international river law, inland waterway, international waterway, international river, international legal regime, freedom of navigation, timber floating.*

Аннотация. *Данная статья посвящена вопросам основных компонентов международно-правового режима судоходства по международным внутренним водным путям. Автор рассматривает данную проблему с позиции теории права и представляет элементы, входящие в структуру правового режима навигационного использования рек. Автор считает, что международно-правовой режим навигационного использования международных рек должен быть направлен на установление единого и равного порядка и условий прохождения судов через водные пути. Особое внимание в статье уделяется вопросам содержания свободы судоходства на международных реках. В статье применяется диалектический метод познания, который позволяет исследовать типичную структуру международно-правового режима навигационного использования международных рек. Исторический метод был использован при изучении процессов формирования свободы речного судоходства. Формально-юридические, при интерпретации норм международного права, где также были использованы системный, структурно-функциональные методы познания. С помощью индуктивного метода, методы анализа и синтеза были исследована практика государств, международных организаций по данному вопросу. Автор утверждает, что в качестве основного принципа правового регулирования судоходства на международных реках на него должны быть проецированы основные принципы международного права. Автор выделил существенные и не существенные компоненты правого регулирования*

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международного судоходства. В качестве основного средства правового регулирования данных вопросов автор предлагает использовать межправительственный договор, где определяется сфера режима судоходства на международных реках, содержатся нормы материального и процессуального права, а также институциональные механизмы сотрудничества в этой сфере между странами и механизм урегулирования споров между ними.

Ключевые слова: *Международная река, международный водный путь, внутренний водный путь, международное речное право, навигационное использование, право прохода, прибрежное государство, международно-правовой режим, свобода судоходства, лесосплав.*

Introduction

Regardless of particular river path, the structure of international-legal regime of navigational usage of international rivers is not represented in the international-legal literature, because it practically hasn't been the subject of separate researches in international river law as a doctrinal elaboration. The main reason for this situation was the fact that in this part of the international public law this regulation has not been formed or recognized by all the states. "Regionalism" of the international river law now has reached a point where in most cases the regime of navigational (and non-navigational) usage of transboundary river flows is formed on the basis of special international treaties, concluded by the riparian countries. However, Bulgarian lawyer V. Kutikov, citing numerous treaties concerning the European rivers, states that there are no reasons to divide the river laws on the basis of geographical or regional criteria, because there are no overpowering barriers between the norms of the international river law in Europe and the similar norms in America, Asia or Africa. Recognizing the particularities of the regimes of the international rivers on each continent, he believes that common features of these regimes prevail over them [1]. The designation of the typical structure of the international-legal regime of navigation on the international rivers will help to form a critical view on the existing mechanism of the international-legal regulation of their navigational usage, to identify possible gaps in this regulation, ways to improve it, and to characterize the implementation of this mechanism. Taking into account all said above, it will be appropriate to begin the analysis of this problem from the theory of law.

Key positions within the legal theory

The category "international-legal regime" is based on the general theoretical ideas of the concept of "legal regime". It can be explained by dividing all of the legal regimes into intra– and intergovernmental regimes, which depend on the scope of the territorial action. The notion "legal regime" is one of the key categories of the legal science. The scientific research that is aimed at clarifying the nature of the legal regulation of different areas, especially when such activity has a clearly defined object, is conducted from the perspective of the legal regime of this object or activity.

In the most general sense, the legal regime can be defined as the order of regulation, which is represented by a set of the legal tools that characterize the particular combination of permissions, prohibitions and obligations

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that interact with each other and create a special focus of such regulation. First and foremost, the legal regime can be regarded as "enlarged bloc" in the existing arsenal of the legal instruments, which integrates certain complexes of the legal means into a single structure. And from this position the effective use of the legal means in solving certain special tasks of the regulation has a main purpose – to select the optimal legal regime. As a rule, the questions on the legal regimes arise concerning not all the links in the regulation, but mainly some rights of subjects. However, the characteristics of the legal regimes often concern individual objects. "Regime of object" is only a brief verbal definition of the order of regulation, expressed in the character and capacity of rights in relation to the object. In addition to that, the legal regime expresses the degree of inflexibility of the legal regulation: the presence of some restrictions, the allowable level of subject's activity, and the limits of their legal independence.

There are several approaches within the literature on international law on the concept of the international-legal regime. On the one hand, this notion is interpreted as a complex (system) of the international-legal norms, aimed at regulating the behavior of subjects of the international law in various areas of the international relationships or regarding the specific problems and situations [2]. On the other hand, the international-legal regime is a legal means, which influences or determines the behavior of the states in a particular field (objective or spatial) of the international relations, including (along with the system of the international-legal principles and rules) recommendatory provisions and ways of enforcement of their realization, as well as the institutional and other mechanisms of the regime functionality [3]. Some of the authors consider the international-legal regime in the narrow sense, while others – in the wider sense, including other elements into this concept and not only the international-legal norms.

Within the generally recognized theory of law a significant attention is paid to the problem of structure of the legal regime [4], but there's also no unanimous point of view on this issue. The structure of the legal regime, offered by some scholars, even coincides in many ways with the elements of the mechanism of the legal regulation – with rules, legal relations, juridical facts, legal acts, acts of law realization, etc. [5]. This interpretation is not entirely consistent, since the legal regime and the mechanism of the legal regulation are not identical concepts. The mechanism of the legal regulation represents a system of the different in nature legal means that can provide an effective legal impact upon the social relations and satisfy the interests of the subjects of law. If the mechanism of the legal regulation is a legal category that determines how the regulation materializes, then legal regime is a content characterization of specific regulatory means that should organize a particular part of the public life. Practically, the mechanism of the legal regulation manifests in the legal regime [6]. Therefore, defining an adequate structure of the international-legal regime of river navigation within the methodological dimension has an enormous importance in searching for a coherent mechanism of the international-legal regulation in this area.

However, the theory of law can only partially assist in the analysis of the legal structure of the international-legal regime of the navigational usage of the international rivers. If we take into account the previously highlighted uniqueness of the specific legal regimes on which they are based, the generally recognized law doctrine has only

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a secondary importance in the chosen field of our research. Nevertheless, in accordance with some scholars the following components should be represented in the structure of any legal regime:

- The bearer of the regime – an object, including territory (*e. g., inland waters – Y. S.*). The task of the legal regime is to ensure the optimal functionality of the object – the bearer of the regime;
- Environment in which an object of the legal regime exists, because the regime equally depends on the internal attributes of the bearer and on the conditions, in which it operates. So, the object can be included in several systems, each of them can form its own regime (*e. g., the international-legal regimes of navigational and non-navigational usage of the international rivers, the regime of river navigation for ships of riparian and non-riparian states, etc. – Y. S.*);
- The content of the legal regime [7].

Some researchers argue that special attention should be paid to the exceptional importance of the content of the legal regime, because it influences the behavior of the subjects, and characterizes their actions as positive or negative [8].

View on the problem through the prism of the basic principles of international law

As a primary step for distinguishing the structural elements of the international-legal regime of the navigation on the international rivers must be the projection of the basic principles of the international law (sovereign equality of states and mutual respect of their sovereignty, territorial integrity and inviolability of the borders, non-interference in the internal affairs of other countries, settlement of international disputes by peaceful means without the use or threats of force, the principles of cooperation and good faith of fulfillment of international treaties) on the problem of the river navigation, which consists of two parts: 1) access for the vessels of the riparian states; 2) non-riparian states vessels access to the river. This algorithm is explained by the fact that the basic principles are the guidelines in the international-legal regulation of river navigation regime.

It is clear that the interests of the navigation of the riparian countries cannot be equated to the interests of navigation on the same river by non-riparian countries. The freedom of navigation on the international rivers is interpreted in two ways in the international law theory, taking into account the international relations practice it may or may not provide the navigational usage of river waters by the non-riparian sovereigns. Moreover, the geographical neighborship and the community of navigable waterway, waters of which are flowing from the territory of one state to another, create special relationships between the riparian countries of the river. And these countries a priori have equal rights to use the waters of this river. According to the principles of the sovereign equality of states and mutual respect of their sovereignty, the legal regime of navigation on the international river must be jointly established exclusively by the riparian states. In modern international law the regulation of navigation on the transboundary river path usually takes place on the basis of the treaty between these states, taking into account the rights and legitimate interests of each riparian country and all of them together and if necessary (or appropriate) the interests of the international shipping. In other cases, the

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legal regime of the navigational usage of an international river is formed on the basis of so-called non-treaty law. The basis of this law is an international-legal custom, which by analogy with the treaty regulation also provides the rights of passage through the river to each riparian country.

The riparian states are equal participants in establishing of the international-legal regime of the navigable rivers and none of them can be eliminated from the procedural regulation of the river waters usage or be discriminated against. Each riparian state can use its own navigable part of the international river as long as they do not cause harm to the downstream countries (e. g., due to discharge of pollutants, oil spills, etc.). Any disputes between the riparian states on the navigational usage of the international rivers should be resolved only by peaceful means. Imposing the conditions of the river navigation on a riparian sovereign by other subjects of the international law using pressure or coercion is also unacceptable, because it contradicts the principle of non-usage of force or threat of force.

At the same time, in the interests of their trade with other countries the riparian states often give the freedom of shipping for merchant ships of all nations. However, this is only their right, but not an obligation. The fact is that despite the nominal existence of the local international-legal customs justifying such practice, as a general rule ships of the non-riparian countries don't get the right of passage through the international rivers, unless it is allowed by an international treaty. The fact that freedom of navigation for all nations is increasing as time goes by, gives grounds to believe that due to the development of trade and international economic relations the emergence of such rule or principle with the agreement of all states is a real possibility in the future. To be generally recognized, this rule should have a strong foundation, because it is a right of passage through foreign territory, which can be allowed only on the basis of clearly and directly expressed agreement of the territorial sovereign.

Considering the mentioned above, an important role in determining the legal regime of navigation of the international river by the riparian states should be based on the principle of cooperation. On the basis of good conscience these countries must build an effective coordination of efforts in order to achieve a mutually acceptable result in resolving the issue of the navigational usage of a common water object. The principle that is being discussed along with the rest of the basic principles of the international law, including the principle of conscientious compliance with the international treaties, does not exclude or lead to the treaty concretization of the navigation regime on an international river on the basis of close cooperation of riparian countries. In international practice, the action of the mentioned principle group results in the creation of the special commissions with the representatives of riparian countries that function on the basis of international treaties and are intended to ensure and develop the shipping (including international navigation) in accordance with the interests of riparian sovereigns. Establishing international river commissions is a common practice, and rivers under their control are often called internationalized rivers [9].

The principle of territorial integrity and inviolability of borders is closely connected with the principles of sovereign equality of states and mutual respect of their sovereignty.

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So, we can assert their mutual legal impact on resolving the key aspects of the river navigation problems, for example, concerning the rationale of the riparian sovereign's independence in navigational usage of their own part of the river flow, or concerning causing harm to the neighboring countries. However, the principle of territorial integrity and inviolability of borders has an exceptional importance for determining the components of the international-legal regime of the navigation of international rivers. Each riparian state must use its own section of the river without causing damage to the natural conditions of international rivers flow on the territory of other riparian countries. As it is mentioned in some literature on international law, the growth of industry, science and technology development has led to an intensive increase in the industrial usage of waters, including rapid construction of hydroelectric power stations. Having launched the exploitation of the domestic water resources and identified their deficit, many states focused their attention on the international rivers. The necessity for agricultural development has led to the need to increase the area of irrigated land. Naturally, the water diversion from the international rivers has increased. In both cases, an unlimited usage of waters of the international rivers by one country within its territory may cause a significant impact on the water usage of the same river on the territory of another country, in particular, lowering the water level below the flow that negatively affects the regime of the river navigation [10].

The aforementioned directly concerns the problem of correlation between navigational and non-navigational usages of the international rivers. The Sixth Committee (Legal) of the UN General Assembly underlined the fact that it is impossible to consider non-navigational usage of the river's waters while excluding its influence on navigation. The use of the waterway for shipping is one of its essential characteristics, and cannot be taken into account in the process of codifying the area of non-navigational usage types of the international waterways [11]. The problem of interrelation of exploitation types of transboundary river flow is particularly acute because the Convention on the Law of the Non-navigational Uses of International Watercourses of 1997 fixes the priority of use of the international rivers' waters for the purposes not related to navigation. Part two of the article 10 of the Convention of 1997 stipulates that in the event of a conflict in the usage of an international watercourse, it shall be resolved by giving a special priority to the requirements of the vital human needs. The definition of "vital human needs" was discussed in detail in the United Nations. The final text of the article 10 retained the wording of the UN International Law Commission and "statement of understanding", accompanying the text of the Convention, indicates that "in determining the "vital human needs" special attention should be paid to support human life by ensuring a sufficient amount of water, including water for drinking and cooking in order to prevent starvation" [12]. On the background of these not very descriptive provisions of the Convention there is a demonstrative incident that had occurred in Ganges-Brahmaputra basin before the adoption of this Convention. In the 1970's there was an escalation in the conflict around this river system, located on the territory of India, Nepal and Bangladesh. India began to increase water intake from the Ganges system in dry periods for irrigation in one of the most populous states – Assam, which was cut off from the rest of India by

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the territory of Bangladesh. In 1975 India completed the construction of the Farakka Barrage near the border with Bangladesh. This made it possible to collect water in the desired volume. Lowering of flow level from the upper Ganges led to a large number of adverse consequences for Bangladesh – not only navigation obstructions, but also degradation of surface and ground waters, increase of salinity, degradation of fisheries, and endangerment of the water supply and health care [13]. In other words, the approach to the international-legal regulation of the international watercourse's regime, chosen by the international community, does not fully guarantee that intake and drainage of water from the international rivers in all cases will be carried out preserving river's navigability.

None of the riparian countries have any right to make water drainage, if it causes the lowering of water level and harms river navigation for others. The awareness of the responsibility to preserve the navigability of the international river in the mentioned above measures leads to the recognition of the necessity for the restrictions to the freedom of riparian states' actions with regards to the water usage within their domains. State should not allow any activity, if it causes degradation in the navigational characteristics of the international river. The United States and other countries have recognized that common interests of the riparian countries in maintaining the current level of water in navigable rivers, which flow through their territory, may actually have more importance than just the preservation of their right to water drainage from these rivers for themselves. In this case, we can anticipate that such interests would generate concluding the treaties, which would accentuate these interests and at the same time force the contracting parties to refuse the overall use of relevant sovereign rights [14]. On the other hand, a state must certainly have the right to divert water from international rivers if it does not cause serious damage to navigation on the river path. In in the case of water diversion from the river Meuse in 1937, the Permanent Court of International Justice dismissed the claim of Netherlands against Belgium, noting that the level of the Meuse had not decreased enough to cause harm to the navigation on this river [15].

Another serious issue is the interrelation between timber floating and navigation on international rivers. Timber floating is a massive, inexpensive and, in some areas, the only way of transportation of lumber. It can be: 1) loose floating (transportation of logs, not linked together, with the flow of rivers); 2) rafting (moving timber in rafts, mainly by tugboats); 3) bag boom towing (transportation of timber, surrounded by floating fence (bag boom), by special warping boats). The most widespread types of timber floating are loose floating and rafting. Bag boom towing is carried out in small volumes by system of lakes or over a short distance through the wider parts of the rivers [17], thus practically avoiding the international river relations. The difference between loose floating and rafting consists in the following: in the first case, the floating lumber is not managed by men, in the second – rafting usually means navigation, and the raft is considered a vessel. It's quite obvious that uncontrolled masses of timber do not only clog the riverbed (due to loss of logs floatation during drifting) and cause damage to dams, barrages and other waterworks, but also make impossible to navigate due to the danger of collision.

In the absence of special generally recognized international-legal norms the basic

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principles of the international law only indirectly assist in solving the described problem. However, the solution of this problem is an important part in forming the integral legal regime of navigation and appropriate practice of international relations in this area.

Since the riparian states have the right of passage through an international river, should also recognize the right of timber floating. This right must be exercised under the conditions set by the transit state. In any case, appropriate rules should be set within special international treaties. It should be mentioned that under the Convention pertaining to the unification of certain rules concerning collisions in inland navigation of 1960 the term "vessel" includes hydroplanes, rafts, ferryboats, movable sections of boat-bridges, dredgers, floating cranes, elevators, and all floating appliances or structures of similar nature [17]. In the case with loose floating a riparian country has no right to demand the freedom of timber floating, if a customary or contractual norm with such content was not formed concerning the particular international river. That's why this type of timber floating through the foreign river water can take place only after the permission of the transit state and is subject to the rules established by it on the basis of intergovernmental treaty. However, article XXII of the Helsinki Rules of 1966 underlines that the states, riparian to an international watercourse used for navigation, may determine by common consent whether and under what conditions timber floating may be permitted in its waters. This provision of the document can be explained by the fact that timber floating and navigation are equal uses of international rivers. Co-riparian States of a watercourse which is, or is to be used for floating timber should negotiate in order to come to an agreement governing the regime of floating (Article XXV of the Rules) [18]. In this case it means that large differences in various water basins make it impossible to adopt uniform floating rules for all basins. Experience shows that within international practice the regime of timber floating is regulated at the regional level. Helsinki rules of 1966 do not contain the articles that would assume the responsibility for damage caused by the drifting lumber. But in comments it is recognized that all types of floating, which are carried out on foreign territory, can cause damage to this territory. Such damage must be compensated in accordance with the generally recognized principles of the international law [19].

As we can see, the international-legal regime of the navigational usage of international rivers, the original model of which is corrected by the basic principles of the international law, is aimed at fixing the procedure and conditions of passage through the waterways. So the analysis of this regime structure seems inferior without research on the freedom of river navigation, assigned in treaty and customary norms, by identifying common features of relevant international treaties, international court practice and doctrine.

Content of freedom of navigation on the international rivers

In its most general form the essence of freedom of navigation on the international rivers is that foreign vessels can navigate without special permission. But such free access to the international rivers does not mean the existence of unregulated passage through the foreign water territory. The scope of freedom realization of river navigation is generally set in the treaty rules that proclaim this freedom regarding specific waterways. Article 109 of the Final Act of

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the Congress of Vienna of 1815 stipulates that navigation of the rivers, along their whole course, from the point where each of them becomes navigable, to its mouth, shall be entirely free, and shall not, in respect to commerce, be prohibited to anyone [20]. This provision became typical for the vast majority of international treaties on navigation regime on the international rivers. It shows that the freedom of river navigation is identified with the freedom of commercial navigation on the international rivers and it is aimed to ensure unrestricted transportation of goods, passengers and baggage for a fixed fare crossing state borders. Let's note that according to the Barcelona Convention and Statute on the regime of navigable waterways of international concern of 1921 any natural waterway or part of a natural waterway is termed "naturally navigable" if now used for ordinary commercial navigation, or capable by reason of its natural conditions of being so used; by "ordinary commercial navigation" is to be understood navigation which, in view of the economic condition of the riparian countries, is commercial and normally practicable [21]. Namely freedom of navigation on inland waterways does not include such types of navigational usage as military and police shipping. Helsinki rules of 1966 point to a special regime of movement of these ships [22].

The realization of right to free navigation on international rivers is associated with the obligation of all states, regardless of whether they have joined the relevant agreement or not, to perform its provisions. In other words, the right of navigation freedom corresponds to the duty to follow the rules, prescribed by the treaty and (or) the law of riparian state: navigation, customs, police, sanitary rules, rules of entering the port and of port equipment use, as well as other conditions that constitute the legal regime of navigation on a particular international river path. These rules, as within the provisions of almost all current agreements in this area, should be uniform favorable for the development of commercial navigation. The scope of rights and obligations of states in the sphere of river navigation occasionally was subjected to significant changes. But in the interests of stabilizing the navigation conditions each country tried to fix their stable complex which makes it possible to talk about a sufficiently clear content of navigational freedom on international rivers.

In the Final Act of the Vienna Congress of 1815 and the treaties concluded in the first half of the 19th century, main attention was focused on issues related to improving the navigable characteristics of the international rivers, facilitation of international navigation, especially the procedure of setting and collecting customs duties, guaranteeing equality of rights of navigation participants and the abolition of privileges of riparian states. Treaties of this period made a significant contribution to the development of modern understanding of river navigation freedom, elements of which were: the right of merchant ships to navigate rivers crossing states borders, including access to the sea; the right to take part in transportation of goods between the river ports of different riparian countries.

In the second half of the 19th century ideas development of freedom of navigation on the international rivers was determined by the trends of economy internationalization and relevant ideological and socio-political movements, supporters of which advocated unrestricted freedom of entrepreneurship. The ideas of economic liberalism were

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reflected not only on the expansion of the groups of users of navigation freedom, which began to be given to all states of the world, but also on its content. The following rights of foreign ships were common at that time: to navigate and transport goods up and down the stream of the international river; to stop and to dock at the river bank on equal rights with national vessels; to load and unload a ship; to engage in small and large river cabotage; to carry on wholesale trade of goods; to use channels, gateways, ports, marinas on equal rights with national ships, etc. The interconnection between freedom of trade and freedom of navigation can be seen in treaties of the early 20th century: peace treaties of "Versailles system", the Barcelona Convention of 1921, Acts of navigation regime on the Danube of 1921 and the Elbe of 1922. They proclaimed the complete equality of riparian and non-riparian states in navigation and commercial activities associated with it. The desire to combine two of already mentioned freedoms was embodied in the theory of the international river law. According to many authors of that time, the real meaning of freedom of navigation can be seen in the situation when riparian countries allow ships of all other nations to trade in their ports. That is why navigation freedom on the international rivers must include the freedom of selling goods in river ports. However, in 1934 in Oscar Chinn case the majority of members of the Permanent Court of International Justice reasonably voted against such practices. The decision of the Permanent Court ruled that freedom of river navigation included the right to free movement of ships, free transportation of passengers and goods, and also the use of ports and port equipment, but it did not mean the freedom of trade [22].

Taking into consideration the analysis of the current international treaties, the freedom of commercial navigation stipulates the equality of all participants of river navigation as a necessary condition, in particular: concerning the entrance to ports and carrying out loading and unloading works, embarkation and disembarkation of passengers, receiving fuel and lubricant materials; when using services in ports or during the movement on waterway; as to realization of administrative, fiscal or any other rules and regulations during the navigation of ships on the river and so on. The trade between countries is based on the separately concluded commercial treaties.

Within the terms of common international river law the interpretation of navigation freedom, the one offered by the International Law Association seems to be the most acceptable. According to the article XIV of the Helsinki Rules of 1966 the freedom of navigation on the international rivers includes the following freedoms on the basis of equality: 1) freedom of movement on the entire navigable course of the river or lake; 2) freedom to enter ports and to make use of the facilities and docks; 3) freedom to transport goods and passengers, either directly or through transshipment, between the territory of one riparian state and the territory of another riparian state and between the territory of a riparian state and the open sea [23]. However, according to this article, only riparian states are granted this power. In our opinion, the above mentioned freedoms should be applied to non-riparian countries on the open international rivers.

As for the content of the freedom of navigation on artificial waterways of international importance, included in the river systems, its

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main element is a right of passage that must be given on the basis of equality for all parties using the waterways, paying special fare and execution of all other requirements established by the riparian states to ensure normal navigation. Application of other elements of the navigation freedom depends on the presence of ports, opened for foreign vessels on the artificial waterway.

Conclusions

So, the common structure of the international-legal regime of the navigational usage of the international rivers consists of a number of common (primary) regime-creating elements. There are significant and non-significant components among them. They consist of elements related to the subjects of the international law, and elements related to destinators of international relations – direct participants of river navigation, namely fixing:

1) the territorial supremacy and sovereignty on the relevant sections of rivers for riparian states;

2) the right of passage through the territory of the river that belongs to another country – for vessels of riparian states;

3) the right of passage on international rivers on the grounds and in the manner, stipulated by the relevant agreements – for non-military (non-police) vessels of non-riparian states;

4) the right of passage through the sections of rivers that belong to other countries only by consent of these countries – for military, police and other vessels of riparian state, which perform the functions of public authority;

5) specific rights and obligations – for all participants of the river navigation;

6) prohibition for entering the international rivers – for military, police and other vessels of non-riparian states, which perform the functions of public authority;

7) the ability to establish and operate international river commission formed by the representatives of riparian states, unless provided otherwise by the navigation treaty on international river;

8) obligation to use water resources for industrial, agricultural and other purposes, not related with navigation, in a way that does not endanger the safety of navigation and preserve navigational characteristics of the river flow – for upstream riparian states;

9) procedure for resolving international river disputes, which arise from relations in the sphere of navigational usage of waterways.

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