

No. 20193

**BRAZIL
and
PARAGUAY**

**Treaty of friendship and co-operation. Signed at Asunción
on 4 December 1975**

*Authentic texts: Portuguese and Spanish.
Registered by Brazil on 31 July 1981.*

**BRÉSIL
et
PARAGUAY**

**Traité d'amitié et de coopération. Signé à Asunción le
4 décembre 1975**

*Textes authentiques : portugais et espagnol.
Enregistré par le Brésil le 31 juillet 1981.*

[TRANSLATION — TRADUCTION]

TREATY¹ OF FRIENDSHIP AND CO-OPERATION BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL AND THE REPUBLIC OF PARAGUAY

His Excellency the President of the Federative Republic of Brazil, Ernesto Geisel, and His Excellency the President of the Republic of Paraguay, General Alfredo Stroessner,

Having in mind the special ties of brotherly friendship that unite Brazil and Paraguay and the desire of their governments to reaffirm them in a solemn document,

Conscious of the ample field of converging interests and the importance to both countries of the frank and loyal collaboration underlying their relations,

Ready to enshrine in an organic and flexible instrument procedures to enhance this collaboration, with creative imagination and in a spirit of pragmatism,

Motivated by the aim of carrying out specific programmes that will have real effect on the economic and social development of their respective countries,

Resolved to strengthen the integration of the two countries as part of a wide-ranging programme of co-operation,

Having in mind their traditionally held identical positions concerning free navigation on the international rivers of the River Plate Basin, their identical positions concerning the utilization of those rivers, in accordance with the Asunción Declaration of 3 June 1971, and their concurring views concerning the utilization of natural resources,

Determined to develop their relations in the political, economic, commercial, financial, scientific, technical, cultural, tourist and all other fields,

Have decided to conclude the present Treaty of friendship and co-operation and to this end have designated their Plenipotentiaries as follows:

The President of the Federative Republic of Brazil: His Excellency Ambassador Antonio Francisco Azeredo da Silveira, Minister of State for External Relations;

The President of the Republic of Paraguay: His Excellency Doctor Raúl Sapena Pastor, Minister for Foreign Affairs,

who have agreed as follows:

Article I. The High Contracting Parties agree to set up and consolidate permanent machinery for co-operation, understanding and exchange of information on matters of common interest.

Article II. The machinery referred to in article I shall be established through the diplomatic channel or by means of the Brazil-Paraguay General Commission for Co-operation and Co-ordination, hereby instituted for the purpose of strengthening

¹ Came into force on 26 May 1976 by the exchange of the instruments of ratification, which took place at Brasília, in accordance with article XXVII.

co-operation between the two countries, analysing and monitoring matters of common interest and proposing to the respective Governments such measures as it may deem appropriate.

Paragraph 1. The General Commission shall consist of one section for each Party.

Paragraph 2. The national sections of the General Commission, headed by their respective Ministers for Foreign Affairs, shall be composed of an equal number of delegates appointed by their respective Governments.

Paragraph 3. The General Commission shall draw up its own rules of procedure which shall be adopted by the two Governments through an exchange of notes.

Paragraph 4. The General Commission shall consider and propose to the two Governments the manner in which the existing Mixed Commissions and *Ad Hoc* Working Groups may become sub-commissions of the General Commission.

Paragraph 5. The two Governments, by means of agreements concluded through an exchange of notes, shall decide on the establishment of such other sub-commissions as may become necessary to deal with new forms of co-operation between the two countries.

Article III. The High Contracting Parties undertake to expand trade between the two countries through appropriate use of any opportunities that arise. To this end, the High Contracting Parties shall conclude, at the earliest possible date, a Protocol on trade expansion taking into account the situation of Paraguay as a relatively less economically developed country and specifying the norms and procedures to govern the negotiations on the subject of a programme for the progressive liberalization of trade.

Article IV. With a view to co-operating in the industrial development plan of the Government of Paraguay, the Government of Brazil shall extend credit facilities to Paraguay for the purchase in Brazil of capital goods, after prior agreement has been reached between the competent banking institutions.

Article V. The Republic of Paraguay shall accord to capital goods originating in Brazil and imported into its territory on the basis of the provisions of the preceding article, and by virtue of the global credit agreements concluded by the competent institutions of the two countries, the most favourable treatment granted to such imports.

Article VI. The High Contracting Parties shall, within a general framework of co-operation, encourage investments designed to promote mutual economic development in both the public and the private sectors, through such measures as the conclusion of industrial complementarity agreements and the establishment of binational enterprises. In this context, account shall be taken of the situation of Paraguay as a relatively less economically developed country and its position as a land-locked State.

Sole paragraph. For this purpose, and in accordance with their respective legislations, both Governments shall facilitate investments by their nationals in the other country.

Article VII. The High Contracting Parties undertake to conclude at the earliest possible date an agreement to avoid the prejudicial effects of double taxation.

Article VIII. In order to stimulate effective co-operation in the agriculture and livestock sector, the two countries shall exchange information and experience, extending to each other the greatest possible assistance in regard to agricultural production and technology and concluding trade agreements on agricultural and livestock products aimed at promoting complementarity of their national products and ensuring access to each other's markets and supplies.

Article IX. The High Contracting Parties shall in formulating their respective road policies bear in mind, subject to its approval by both Governments, the Master Plan for the integration of the transport systems of Brazil and Paraguay, in accordance with the provisions of the Agreement concluded by an exchange of notes signed in Asunción on 10 September 1974.¹

Article X. The High Contracting Parties agree on the need to implement fully, in so far as it concerns them, the Convention on international land transport of 19 October 1966, for the purpose of stimulating trade and promoting passenger and goods traffic between the two countries, with the aim, in particular, of facilitating the transit of Paraguayan exports through Brazilian ports.

Article XI. The High Contracting Parties shall conduct the necessary surveys for the railroad connection between the two countries, bearing in mind, subject to its approval by both Governments, the Master Plan for the integration of the transport systems of Brazil and Paraguay and the improved utilization of the port facilities of Brazil by Paraguay.

Article XII. The High Contracting Parties ratify the provisions and principles embodied in the international instruments in force between them in respect of freedom of navigation on the international rivers of the River Plate Basin and their consequent decision to ensure the navigability of the said rivers. In the case of shared stretches of the rivers, this decision shall be adopted jointly.

Article XIII. The High Contracting Parties declare their mutual interest in improving the navigability of the Paraguay River between Asunción and the Bahía Negra outlet.

Sole paragraph. To achieve this end, the High Contracting Parties shall maintain contact with each other with a view to establishing at the opportune moment and in the appropriate form the best means of advancing any surveys and works that may become necessary.

Article XIV. The High Contracting Parties, considering the position of the Republic of Paraguay as a land-locked State and the desire of the Federative Republic of Brazil to make every effort to enable the Republic of Paraguay to have access to the benefits of the sea, express their determination to conclude agreements to secure free access for Paraguay to and from the sea through the territory of Brazil, the rational utilization, through joint action, of the free warehouses already provided in the ports of Santos and Paranaguá; and the granting of fishing rights to Paraguayan nationals, or enterprises financed exclusively by Paraguayan capital, in

¹ United Nations, *Treaty Series*, vol. 972, p. 323.

the maritime zone under the jurisdiction and sovereignty of the Federative Republic of Brazil, in conditions to be established in protocols or other bilateral instruments concluded between the two countries.

Article XV. The High Contracting Parties reaffirm the great importance of the preparation of surveys for the formulation of a plan for the integrated development of the region of the Alto Paraná.

Paragraph 1. To this end, the Brazilian Government shall extend its co-operation to the Government of Paraguay in the preparation of such surveys.

Paragraph 2. The High Contracting Parties shall consider the best means of attaining this objective.

Article XVI. The High Contracting Parties regard as a first definite step towards the fulfilment of the provisions of the preceding article the Agreement concluded through an exchange of notes between the two Governments on 8 January 1975 for a survey of the hydroelectric potential of the Acaray, Monday and Nacunday rivers.

Article XVII. With a view to collaborating in the economic development of Paraguay, the Brazilian Government undertakes to co-operate with the Government of Paraguay, at that Government's request and in the manner agreed between them, in the economic exploitation of natural resources constituting new sources of wealth for Paraguay.

Sole paragraph. In this context, the High Contracting Parties undertake to embark as soon as possible on the consideration of a programme of co-operation in groundwater exploration, collection and distribution in the western region of Paraguay, Paraguayan Chaco.

Article XVIII. The High Contracting Parties, considering the important goals of the Treaty of Itaipu ("Treaty concerning the hydroelectric utilization of the water resources of the Paraná River owned in condominium by the two countries, from and including the Salto Grande de Sete Quedas or Salto del Guairá, to the mouth of the Iguassu River", of 26 April 1973),¹ ratify the objectives and purposes set forth in the above-mentioned Treaty and in its annexes, Additional Protocols, diplomatic notes and other instruments emanating therefrom.

Article XIX. The High Contracting Parties shall bear in mind, in addition to the interconnections of their electricity supply systems already existing as well as that envisaged in the Itaipu binational hydroelectric utilization agreement, the possibilities of connecting the electricity supply systems of the two countries at other points on the frontier and shall endeavour to establish such connections in the conditions most appropriate technically and financially, with a view to the better integration of electricity supply in the two countries.

Article XX. The High Contracting Parties, recognizing the importance of telecommunications connections between the two countries by means of a high-capacity land-based system, agree to undertake the relevant surveys. They further affirm their intention of establishing a system of co-operation in the field of telecom-

¹ United Nations, *Treaty Series*, vol. 923, p. 57, vol. 975, p. 426, and vol. 1205, p. 415.

munications and postal services envisaging the exchange of technology, the training of personnel and, wherever necessary, the supply of equipment.

Article XXI. The High Contracting Parties, under the terms of the Basic Agreement on educational, scientific and cultural co-operation, signed on 17 October 1973,¹ and with the intention of introducing more effective forms of bilateral co-operation in the specific fields referred to in that Agreement, shall periodically convene the bilateral body referred to in article XIV of the Basic Agreement to study and make proposals in respect of:

- (a) Intensifying the student exchange programme;
- (b) Increasing the number of fellowships at the post-graduate level and expanding vocational training courses;
- (c) Stimulating contacts between universities, institutes and cultural and scientific bodies;
- (d) Expanding the exchange of university professors between the two countries and encouraging joint projects of a scientific nature, with a view to facilitating the exchange of experience and knowledge;
- (e) Organizing cultural programmes on radio and television.

Article XXII. The High Contracting Parties acknowledge the desirability of the further promotion of technical co-operation activities. To this end, they agree to promote the joint or co-ordinated operation of research and development services; the establishment and operation of research institutes or advanced training centres; the organization of seminars and conferences; the exchange of experts and technical missions; the exchange of information and documentation and the establishment of means to disseminate them.

Sole paragraph. The High Contracting Parties reaffirm their readiness to continue to implement the Agreement on co-operation in the peaceful uses of atomic energy of 18 August 1961² and to that end shall instruct their respective competent national agencies to initiate joint consultations, as soon as possible, on furthering the implementation of the joint programme envisaged in article II of the said Agreement.

Article XXIII. The High Contracting Parties shall adopt the necessary measures to enhance bilateral tourist exchange, in particular by easing the procedures and formalities for the entry into their respective territories of nationals and residents of the other country. With this aim in mind, they deem it appropriate to conclude an agreement amplifying and updating the Convention on Tourism and the Transit of Passengers signed on 12 September 1958. They shall also launch ongoing campaigns for the joint promotion of tourism and review the arrangements for bilateral co-operation with a view to the full development of areas of tourist interest common to both countries.

Article XXIV. The High Contracting Parties undertake to conclude, at the earliest possible date, an agreement specifying the norms and procedures governing relations between the two countries in social security matters.

¹ United Nations, *Treaty Series*, vol. 975, p. 297.

² *Ibid.*, vol. 880, p. 169.

Article XXV. Besides the international instruments provided for in this Treaty, and in the same spirit, as inspires it, the High Contracting Parties shall, whenever the circumstances so require, conclude additional protocols or other international acts on all matters of common interest.

Article XXVI. The High Contracting Parties, motivated as they are by the firm desire to preserve their links of creative friendship, solemnly reaffirm their decision to settle any disagreement that may arise between them through direct diplomatic negotiations or through recourse to the instruments in force between the two States on the peaceful settlement of disputes.

Article XXVII. This Treaty shall enter into force on the date of the exchange of the instruments of ratification, which shall take place in the city of Brasília.

IN WITNESS WHEREOF the above-mentioned Plenipotentiaries sign the present Treaty, in two copies, in the Portuguese and Spanish languages, both texts being equally authentic.

DONE in the city of Asunción on 4 December 1975.

For the Government
of the Federative Republic of Brazil:
[A. F. AZEREDO DA SILVEIRA]

For the Government
of the Republic of Paraguay:
[RAÚL SAPENA PASTOR]