

No. 9074

**ARGENTINA
and
URUGUAY**

**Treaty concerning the boundary constituted by the River
Uruguay. Signed at Montevideo, on 7 April 1961**

Official text: Spanish.

Registered by Argentina on 6 May 1968.

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et
URUGUAY.**

**Traité relatif à la frontière sur l'Uruguay. Signé à Mon-
tevideo, le 7 avril 1961**

Texte officiel espagnol.

Enregistré par l'Argentine le 6 mai 1968.

[TRANSLATION — TRADUCTION]

No. 9074. TREATY¹ BETWEEN THE ARGENTINE REPUBLIC AND THE EASTERN REPUBLIC OF URUGUAY ... CONCERNING THE BOUNDARY CONSTITUTED BY THE RIVER URUGUAY. SIGNED AT MONTEVIDEO, ON 7 APRIL 1961

The Government of the Argentine Republic and the Government of the Eastern Republic of Uruguay, motivated by the common desire to tighten the close and immutable bonds of affection and friendship which have always existed between their respective peoples, have decided to settle once and for all the question of the boundaries situated in the section of the River Uruguay which constitutes the frontier between the two countries.

The two Governments, considering that, while they have identical rights over the said section of the river, there are other factors which should be taken into account when setting it as a boundary, for example, its general configuration, the characteristics of its navigable channels, the presence of islands in its bed, historical claims to those islands and instruments of present jurisdiction over them, and also the practical requirements of navigation, have decided to adopt as the boundary a composite line which shall take into account the aforesaid considerations and at the same time satisfy as fully as possible the aspirations and interests of the two Contracting States.

For this purpose they have decided to conclude a treaty on boundaries and have appointed as their plenipotentiaries: The Argentine Republic: His Excellency Dr. Diógenes Taboada, Minister for Foreign Affairs and Public Worship; and the Eastern Republic of Uruguay: Mr. Homero Martínez Montero, Minister for Foreign Affairs,

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

Article 1

The boundary between the Argentine Republic and the Eastern Republic of Uruguay in the River Uruguay, from a line approximately at right angles to both banks of the river passing close to the south-western point of Brasilera Island to the Punta Gorda parallel, shall be fixed as follows:

¹ Came into force on 19 January 1966 by the exchange of the instruments of ratification, which took place at Buenos Aires, in accordance with article 11.

(A) From the aforementioned line passing close to the southwestern point of Brasileria Island to the Ayui area (the contour where the Salto Grande dam is to be built) the boundary shall follow the centre line of the present bed of the river. This line shall be inflected as necessary to leave the following islands and islets under Argentine jurisdiction: Correntino Islet, Correntina Island, Itacumbú Island, Itacumbú Islets (two), Timboy Islands (two) and Infiernillo Islet; and the following islands and islets under Uruguayan jurisdiction: Padre Island, Zapallo Island, Rica Island, Carbonera Island, Misionera Island, Guaviyú Island, unnamed island (Tigre, near the Arroyo del Tigre), Paredón Island, Las Vacas Island, Gaspar Island, Yacuy Island, Belén Island, El Ceibal Island, Herrera Island, Verdún Island and the adjacent islet, Francia Island, Redonda Island and the adjacent islets, El Naufragio Islets (eight), Salto Grande Island, Lobos Islands (two), El Medio Island (one island and four islets) and Abajo Island (one island and two islets). The inflections shall be eliminated when, as a result of the work on the Salto Grande dam, the islands and islets which made them necessary are submerged.

(B) (i) From the Ayui to a point in the area where the Filomena and El Medio channels divide, the boundary shall follow a line coinciding with the centre of the main navigation channel.

(ii) From the point in the area where the Filomena and El Medio channels divide to a point in the area where these channels join, the boundary shall likewise divide into two lines:

(a) One line shall coincide with the centre of the Filomena channel (main navigation channel) and shall be the boundary only for the purposes of dividing the waters, those to the west of that line remaining under the jurisdiction of Argentina, and those to the east of that line remaining under the jurisdiction of Uruguay.

(b) The other line shall run through El Medio channel and shall be the boundary only for the purposes of dividing the islands, those to the west of that line remaining under the jurisdiction of Argentina, and those to the east of that line remaining under the jurisdiction of Uruguay, which shall have free and permanent access to them.

(iii) From the point where the Filomena and El Medio channels join to the Punta Gorda parallel the lines shall merge again into a single line constituting the boundary for all purposes and coinciding with the centre of the main navigation channel.

In accordance with the demarcation laid down in sub-paragraphs (i), (ii) and (iii) of this article, the following islands and islets shall remain under Argentine jurisdiction: Pelada Island, San José Island, Pepeají Island,

Paspós Islet, unnamed islet (150 metres to the south of Pepeají Island), Boca Chica Island, Hornos Island, Caridad Island, Florida Island, Pelada Island (600 metres north of Almirón Island), Oriental Island, El Puerto Island, unnamed islet (Calderón, between Concepción del Uruguay and Puerto Island), Cambacué Island, unnamed island (Garibaldi, north-east of the northern point of Cambacué Island), unnamed island (200 metres east of Cambacué Island), Canarios Island, Tala Island, unnamed islet (east of and adjacent to Tala Island, Arroyo Raigón), Vilardebó Island, Dolores Island, Montaña Island, Dos Hermanas Islands (three), San Miguel Island, Osuna Islet, Campichuelo Island, unnamed islet (east of and adjacent to the southern point of Dolores Island), San Genaro Island, Corazón Island, Colón Grande Island, Tambor Island, Colón Chica Island, Cupalén Island, unnamed island (to the east of the southern point of Colón Chica Island and Volantín Island), unnamed island (between Cupalén Island and the northern point of Rica Island), Rica Island, Volantín Island, Bonfiglio Island, Jaula del Tigre Island, unnamed island (Clavel, west of the middle section of Jaula del Tigre Island), unnamed island (east of and adjacent to the southern point of Rica Island), San Lorenzo Island, Juanicó Islands (two), García Island, Masones Island, Redondo Islet, Boca Chica Island, Sauzal Island, unnamed islands (four, north of Sauzal Island), and Inés Dorrego Island; and the following islands and islets shall remain under Uruguayan jurisdiction: Dos Hermanas Islands (two), Chapiçuy Island, Redonda Island, Guaviyú Island, Sombrerito Island, unnamed islands (Las Mellizas, two, opposite the mouth of the Arroyo Tranquera), Queguay Island, San Miguel Islet, San Francisco Island, Almirón Island, Almería Islands (two), unnamed islet (800 metres south of the Almería Islands), Banco Grande Island, La Paloma Island, Román Chica Island, Román Grande Island, Pingüino Island, Chala Island, Navarro Island, El Chileno Island, El Burro Island, unnamed island (south of and adjacent to Román Grande Island, Basura Island, Filomena Chica Island, unnamed islet (900 metres south of El Chileno Island and east of El Burro Island), Filomena Grande Island, Palma Chica Island, unnamed islet (200 metres south of El Burro Island), Bassi Island, Naranjito Islands (two), unnamed islet (100 metres south of Filomena Grande Island), unnamed islet (100 metres east of the southern point of Bassi Island), Santa María Chica Island, Tres Cruces Island, Santa María Grande Island, Redonda (De la Cruz) Island, Zapatero Island, Caballada Islands (four), Caballos Island and Abrigo Island.

Article 2

In order to provide a source of reference for the names and positions of the islands and channels mentioned in article 1, the Parties agree to adopt as reference maps the original maps of the River Uruguay drawn by the Ministry of Public Works of the Argentine Republic (scale 1:10,000) in the

period 1901-1908. It is established that the line on those maps marked "Deep draught navigation channel" is the main navigation channel referred to in this Treaty.

Article 3

The demarcation agreed upon in the preceding articles shall be that consistent with the general condition of the river on the date on which this Treaty is signed.

The agreed boundary shall be permanent and unalterable and shall not, except as provided for in article 1, paragraph (A), be affected by any natural or artificial changes which the features that now determine the boundary may undergo in the future.

Article 4

The High Contracting Parties shall, within a period of ninety days from the date on which the instruments of ratification are exchanged, proceed to appoint their respective representatives to carry out the marking of the frontier.

Article 5

The two Contracting Parties shall grant each other full freedom of navigation, including the free navigation of their warships, in the section of the River Uruguay demarcated by this Treaty.

They reaffirm for vessels of all flags the freedom of navigation as established by their respective domestic legislations and by the international treaties in force.

Article 6

The High Contracting Parties undertake to conserve and improve the main navigation channel and its buoys so as to provide the best possible facilities and safety for navigation in the river areas under their respective jurisdictions.

Article 7

The High Contracting Parties shall jointly establish a regime for the use of the river, covering *inter alia* :

- (a) Common standard regulations for the safety of navigation;
- (b) A pilotage regime taking present practices into account;

- (c) Regulations governing the maintenance of dredging and buoying in accordance with article 6;
- (d) Reciprocal facilities for hydrographic surveys and other studies connected with the river;
- (e) Provisions for the conservation of living resources;
- (f) Provisions for preventing water pollution.

Article 8

In the islands under Uruguayan jurisdiction within the zone referred to in article 1, paragraph (B), sub-paragraph (ii), the High Contracting Parties shall, by mutual agreement, arrange for the waters to be used for domestic, industrial and irrigation purposes, and shall establish a law enforcement regime to ensure, through Argentine-Uruguayan co-operation, that justice is effectively administered.

Article 9

The Republic of Argentina undertakes to uphold and respect all property rights acquired under Uruguayan law by Uruguayans or aliens over the islands and islets which be within the jurisdiction of Argentina as a result of the demarcation; and the Eastern Republic of Uruguay undertakes likewise to uphold and respect all property rights acquired under Argentine law by Argentinians or aliens over the islands and islets which be within the jurisdiction of Uruguay as a result of the demarcation.

The acquisition or extinguishment of property rights by prescription shall be governed by the law of the State within whose jurisdiction the island lies; the previous period of enjoyment shall, however, be included when calculating the period of prescription.

Article 10

Persons claiming the rights referred to in the foregoing article shall, within a period of three hundred and sixty days from the date on which the Treaty enters into force through the exchange of instruments of ratification, appear before the competent authorities of the State within whose jurisdiction the island or islet lies, so that their rights may be examined and recorded in the appropriate registers.

Failure to appear within the period stated in this article shall have such effects as may be determined by the laws of the State within whose jurisdiction the islands or islets lie following the demarcation.

Article 11

This Treaty shall be ratified in accordance with the constitutional procedures of each Contracting Party, and the exchange of instruments of ratification shall take place at Buenos Aires.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed and affixed their seals to the two identical copies at Montevideo on the 7th day of April 1961.

Diógenes TABOADA

H. Martínez MONTERO