

No. 698

**BRAZIL
and
BOLIVIA**

**Treaty of Petrópolis. Signed at Petrópolis on 17 November
1903**

Authentic texts: Portuguese and Spanish.

Filed and recorded at the request of Brazil on 31 August 1973.

**BRÉSIL
et
BOLIVIE**

**Traité de Petrópolis. Signé à Petrópolis le 17 novembre
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Classé et inscrit au répertoire à la demande du Brésil le 31 août 1973.

[TRANSLATION — TRADUCTION]

TREATY OF PETRÓPOLIS OF 17 NOVEMBER 1903¹

The Republic of the United States of Brazil and the Republic of Bolivia, being desirous of permanently consolidating their long-standing friendship by removing the causes of potential disagreement, and wishing at the same time to facilitate the development of their commerce and good-neighbourly relations, have agreed to conclude a Treaty for an exchange of territories and other forms of compensation, in accordance with the provision in article 5 of the Treaty of friendship, boundaries, navigation and commerce of 27 March 1867.

And for this purpose have appointed as their Plenipotentiaries:

The President of the Republic of the United States of Brazil: Mr. José Maria da Silva Paranhos do Rio-Branco, Minister of State for Foreign Affairs, and Mr. Joaquim Francisco de Assis Brasil, Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and

The President of the Republic of Bolivia: Mr. Fernando E. Guachalla, Envoy Extraordinary and Minister Plenipotentiary on a special assignment in Brazil, Senator of the Republic and Mr. Claudio Pinilla, Envoy Extraordinary and Minister Plenipotentiary to Brazil, who has been designated Minister for Foreign Affairs of Bolivia;

Who, having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article 1. The frontier between the Republic of the United States of Brazil and Bolivia shall be determined as follows:

(1) Starting from 20° 08' 35" south latitude, facing the outlet of the Bahia Negra into the Paraguay river, it shall follow this river up to a point on the right bank at a distance of 9 kilometres in a straight line from the fort of Coimbra, i.e., to a point in approximately 19° 58' 05" latitude and 14° 39' 14" longitude west of the Observatory of Rio de Janeiro (57° 47' 40" west of Greenwich) according to the map of the frontier drawn by the Mixed Boundary Commission of 1875; and it shall continue from this point on the right bank of the Paraguay in a geodesic line to another point 4 kilometres away in the true direction of 27° 1' 22" north-east of the mark known as "the mark of the lower part of Bahia Negra", the distance being 4 kilometres accurately measured along the present frontier, so that this point shall be in approximately 19° 45' 36.6" latitude and 14° 55' 46.7" longitude west of Rio de Janeiro (58° 04' 12.7" west of Greenwich). From here the frontier shall continue along the line fixed by the Mixed Commission of 1875 as far as 19° 02' latitude, and thence eastward along this line of latitude to the watercourse known as Conceição (Concepción), which it shall follow as far as the mouth on the southern bank of the outlet of Caceres lagoon, also called Tamengos river. It shall follow the outlet up to the meridian which traverses the extremity of the Tamarindeiro (Tamarinero); thence in a northerly direction along the meridian of the Tamarindeiro (Tamarinero) to 18° 54' latitude, which line of latitude it shall follow as far as the present frontier.

¹ Came into force on 10 March 1904 by the exchange of the instruments of ratification, which took place at Rio de Janeiro, in accordance with article X.

(2) From the point at which $18^{\circ} 54'$ latitude and the straight line forming the present frontier intersect, it shall continue in the same direction as at present as far as $18^{\circ} 14'$ latitude, following this line of latitude in an easterly direction as far as the outlet of the Mandioré lagoon, which it shall ascend, crossing the lagoon in a straight line, up to the point on the former frontier which is equidistant from the two present marks, and thence along this former line as far as the mark on the northern shore.

(3) From the northern mark on the Mandioré lagoon, the frontier shall follow a straight line, in the same direction as at present, to $17^{\circ} 49'$ latitude, and along this latitude as far as the meridian of the south-eastern tip of the Gaiba lagoon. It shall follow this meridian to the lagoon, which it shall cross in a straight line as far as the point equidistant from the two present marks on the former frontier line; thence it shall continue along this former, or present, line to the entrance of the Pedro II Canal, also recently called Pando river.

(4) From the southern end of the Pedro II Canal, or Pando river, to the confluence of the Beni and the Mamore, the frontier shall remain as established in article 2 of the Treaty of 27 March 1867.

(5) From the confluence of the Beni and the Mamoré, the frontier shall follow the Madeira (Madera) river down to the mouth of the Abunan (Abuná), its tributary on the left bank, and shall continue up the Abunan (Abuná) to $10^{\circ} 20'$ latitude. Thence it shall follow $10^{\circ} 20'$ latitude westward to the Rapirran river, which it shall ascend as far as the main source.

(6) From the main source of the Rapirran, it shall follow the line of latitude of the source in a westerly direction until it meets the Iquiry river, which it shall ascend to the source; thence to the watercourse known as Bahia over the most rugged terrain or in a straight line, whichever is deemed more appropriate by the demarcation commissioners of both countries.

(7) It shall then follow the Bahia watercourse from the source to the confluence with the Acre or Aquiry river on the right bank, and it shall ascend the Acre or Aquiry river to the source, provided that the source is not west of 69° longitude west of Greenwich.

(a) In the case represented, that is, if the source of the Acre is in a line of longitude east of 69° longitude west of Greenwich, the frontier shall follow the meridian of the source as far as 11° latitude, and thence in a westerly direction along this latitude to the Peruvian frontier.

(b) If the River Acre, as appears to be the case, crosses 69° longitude west of Greenwich and runs alternately north and south of 11° latitude, more or less following it, the bed of the river shall form the boundary line as far as the source, along whose meridian the frontier shall continue as far as 11° latitude, and thence in a westerly direction along the same latitude to the Peruvian frontier; but, if to the west of 69° longitude the Acre runs continuously to the south of 11° latitude, the frontier shall be traced from this river along 69° longitude to the point where 69° longitude and 11° latitude intersect, and thence along 11° latitude to the Peruvian frontier.

Article II. The transfer of territories resulting from the demarcation described in the preceding article encompasses all rights appertaining to the territories and the responsibility deriving from the obligation of maintaining and respecting any property rights acquired by nationals and aliens in accordance with the principles of civil law.

Claims arising from administrative acts and events in the territories exchanged shall be examined and judged by an Arbitral Tribunal composed of one representative of Brazil, one representative of Bolivia, and a Minister of a foreign country accredited to the Brazilian Government. This third arbiter, the President of the Tribunal, shall be selected by the two High Contracting Parties immediately following the exchange of the instruments of ratification of this Treaty. The Tribunal shall sit for a year in Rio de Janeiro and shall commence its functions within a period of six months from the date of the exchange of the instruments of ratification. Its duties shall be: (1) to accept or reject claims; (2) to determine the amount of compensation; (3) to decide which of the two Governments is responsible for paying compensation.

Payment shall be made in special bonds, at par, yielding 3 per cent interest and to be amortized at the rate of 3 per cent a year.

Article III. Owing to the fact that the territories exchanged by the two nations are unequal in area, the United States of Brazil shall pay compensation of 2,000,000 pounds (two million pounds sterling), which the Republic of Bolivia shall accept with the intention of using it principally for the construction of railways or other works aimed at improving communications and developing trade between the two countries.

Payment shall be made in two instalments of one million pounds each: the first within a period of three months from the exchange of the instruments of ratification of this Treaty and the second on 31 March 1905.

Article IV. A Mixed Commission, appointed by the two Governments within a period of one year from the exchange of the instruments of ratification, shall undertake the task of demarcating the frontier, as described in article I, commencing its work within six months of its appointment.

Any difference of opinion between the Brazilian Commission and the Bolivian Commission which cannot be resolved by the two Governments shall be submitted for an arbitral decision to a member of the Royal Geographical Society of London, who shall be selected by the President and members of the council of the Society.

Should the Demarcation Commissioners appointed by one of the High Contracting Parties fail to appear at the agreed place and on the agreed date to commence their duties, the Commissioners of the other Party shall proceed alone with the demarcation, and the results of their work shall be binding upon both Parties.

Article V. The two High Contracting Parties shall, within eight months, conclude a Treaty of Commerce and Navigation based on the principle of the broadest freedom of land transit and river navigation for both nations, which right they shall recognize in perpetuity, subject to the fiscal and police regulations established or to be established in the territory of each. These regulations shall be as favourable as possible to navigation and commerce and shall be as uniform as possible in the two countries. It is, however, understood and affirmed that such navigation shall not include coasting trade or river cabotage, which shall remain subject to the respective laws in each of the States.

Article VI. In accordance with the provisions of the preceding article, for the clearance in transit of imports and exports, Bolivia may maintain customs officers at the Brazilian customs offices of Belém do Pará (Belém del Pará), Manáos and Corumbá and at other customs posts that Brazil may establish on the Madeira (Madera) and the Marmoré or at other points on the common frontier. Reciprocally, Brazil may maintain

customs officers at the Bolivian customs office of Villa-Bella or at any other customs post which Bolivia may establish on the common frontier.

Article VII. The United States of Brazil shall undertake to construct in Brazilian territory, as a public or private venture, a railway from the Port of Santo Antonio on the Madeira (Madera) river to Guajar -Mirim on the Mamor , with a branch that passes through Villa-Murtinho or some point nearby (State of Matto-Grosso) and continues to Villa-Bella (Bolivia) at the confluence of the Beni and the Mamor . This railway, which Brazil shall endeavour to complete within four years, shall be used by both countries, with equal rights in respect of exemptions and tariffs.

Article VIII. The Republic of the United States of Brazil affirms that it will discuss directly with the Republic of Peru the question of the frontiers of the territory situated between the source of the Javary (Yavary) and 11° latitude, endeavouring to arrive at an amicable settlement of the dispute; under no circumstance shall Bolivia bear any responsibility in the matter.

Article IX. Any differences of opinion which may arise between the two Governments over the interpretation and implementation of this Treaty shall be submitted to arbitration.

Article X. After it has been approved by the legislature of each Republic, this Treaty shall be ratified by the respective Governments, and the instruments of ratification shall be exchanged in the city of Rio de Janeiro as soon as possible.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries sign this Treaty in two copies, each in the Portuguese and Spanish languages, and affix thereto our seals.

DONE in the city of Petr polis on 17 November 1903.

RIO BRANCO

J. F. DE ASSIS BRASIL

FERNANDO E. GUACHALLA

CLAUDIO PINILLA