



International Boundary Study

No. 68 (Revised)– October 1, 1975

Argentina – Uruguay Boundary

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ARGENTINA – URUGUAY BOUNDARY

I. BOUNDARY BRIEF

The Argentina–Uruguay boundary is approximately 360 miles long between the Brazilian tripoint on the Uruguay River and a point in the Rio de la Plata at 34°12'S. and 58°15.1'W. From Brasilera Island downstream on the Uruguay River to the parallel of Punta Gorda, a 1961 treaty allocates the islands between Argentina and Uruguay. A treaty signed in 1973 determines the remainder of the boundary by nine points starting from the parallel of Punta Gorda to a point immediately south of Isla Martin Garcia.

II. HISTORICAL BACKGROUND

The Uruguay River and the Rio de la Plata have been considered to form the boundary between Argentina and Uruguay since the preliminary Peace Convention of August 27, 1828. While the southern and western limits of Uruguay were not specifically defined in the Convention, Article 12 implied that the right bank of the Uruguay River was outside the jurisdiction of the province of Montevideo, i.e., Uruguay. Furthermore, no treaties were made in the remainder of the 19th century to delimit a specific boundary. Various agreements, however, were effected to guarantee free navigation of the Rio de la Plata and the Uruguay River.

The first determined effort to delimit the boundary resulted, on September 28, 1916, in the signing of a "Treaty concerning the Delimitation of the Islands in the Rio Uruguay," which, however, neither country ratified. According to this treaty, sovereignty over the islands was determined by their relationships to the thalweg.

On April 6, 1937, a special commission was created to study the question of land titles on the islands. The work of the commission has proved to be most important in the recent settlement. In addition, on January 13, 1938, an "Agreement concerning the Boundary in the Rio Uruguay" was signed whereby Argentina and Uruguay agreed to maintain the status quo pending a satisfactory solution of the dispute.

In an Argentine–Uruguayan declaration of January 20, 1961, it was agreed that the outer or external limit of the Rio de la Plata was determined by a straight line drawn between Punta Rasa on Cabo San Antonio in Argentina and Punta del Este in Uruguay. A treaty¹ signed at Montevideo on April 7, 1961, allocated the islands in the Uruguay River between Uruguay and Argentina from Brasilera Island to the parallel of Punta Gorda.

¹ United Nations. Treaty Series, Vol. 635 (1968), No. 9074, p. 98. "Treaty between the Argentine Republic and the Eastern Republic of Uruguay concerning the boundary constituted by the River Uruguay." Signed at Montevideo, on April 7, 1961. Came into force on January 19, 1966, by the exchange of the instruments of ratification which took place at Buenos Aires, in accordance w/ Article 2.

On January 14, 1964, the "Protocol of the Rio de la Plata" provided for the establishment of a mixed commission to study and to settle problems arising from the navigation or other use of the river. The commission was organized in June 1968.

On November 19, 1973, the "Treaty of the Rio de la Plata and its Maritime Limit" was signed by Argentina and Uruguay. The treaty delimited a boundary in the Rio de la Plata from the parallel of Punta Gorda to the line of the declaration of January 30, 1961, between Punta del Este and Punta Rasa. The boundary in the Rio de la Plata consisted of 23 points connected by straight-line segments. Because the entrance of the estuary from the Atlantic is more than 24 miles wide, the Rio de la Plata is considered to be international waters by the United States. Therefore, for purposes of this study, the Argentina–Uruguay boundary is considered to extend from the Uruguay River only to Point 9 south of Isla Martin Garcia in the Rio de la Plata. The boundary places Isla Martin Garcia on the Uruguayan side of the line, although the treaty specifically states that the island is under the jurisdiction of Argentina.

III. TREATY OF APRIL 7, 1961

The treaty of April 7, 1961, established the boundary in the Uruguay River from Brasileira Island to the parallel of Punta Gorda 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 southwestern point of Brasileira Island to the Punta Gorda parallel, shall be fixed as follows:

(A) From the aforementioned line passing close to the southwestern point of Brasileira 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, Itacumbu Island, Itacumbu 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, Guaviyu Island, unnamed island (Tigre, near the Arroyo del Tigre), Paredon Island, Las Vacas Island, Gaspar Island, Yacuy Island, Belen Island, El Ceibal Island, Herrera Island, Verdun 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.¹

(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 in sub-paragraphs (i), (ii) and (iii) of this article, the following island and islets shall remain under Argentine jurisdiction: Pelada Island, San Jose Island, Pepeaji Island, Paspos Islet, unnamed islet (150 metres to the south of Pepeaji Island), Boca Chica Island, Hornos Island, Caridad Island, Florida Island, Pelada Island (600 metres north of Almiron Island), Oriental Island, El Puerto Island, unnamed islet (Calderon, between Concepcion del Uruguay and Puerto Island), Cambacua Island, unnamed island (Garibaldi, north-east of the northern point of Cambacua Island), unnamed island (200 metres east of Cambacua Island), Canarios Island, Tala Island, unnamed islet (east of and adjacent to Tala Island, Arroyo Raigon), Vilardebo Island, Dolores Island, Montana 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, Corazon Island, Colon Grande Island, Tambor Island, Colon Chica Island, Cupalen Island, unnamed island (to the east of the southern point of Colon Chica Island and Volantin Island), unnamed island (between Cupalen Island and the northern point of Rica Island),

¹ An exchange of notes at Montevideo on October 31, 1969, constituted an agreement relative to Article 1, Paragraph B, Sub-paragraph (ii) (b), of the above treaty as follows: "The said line shall coincide with the centre of the channel, that is, it shall join the deepest points." See United Nations, Treaty Series, Vol. 709 (1970), no. 9074, p. 338.

Rica Island, Volantin 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, Juanico Islands (two), Garcia Island, Masones Island, Redondo Islet, Boca Chica Island, Sauzal Island, unnamed islands (four, north of Sauzal Island), and Ines Dorrego Island and the following islands and islets shall remain under Uruguayan jurisdiction: Dos Hermanas Islands (two), Chapticuy Island, Redonda Island, Guaviyu Island, Sombrerito Island, unnamed islands (Las Mellizas, two, opposite the mouth of the Arroyo Tranquera), Queguay Island, San Miguel Islet, San Francisco Island, Almiron Island, Almeria Islands (two), unnamed islet (800 metres south of the Almeria Islands), Banco Grande Island, La Paloma Island, Roman Chica Island, Roman Grande Island, Pinguino Island, Chala Island, Navarro Island, El Chileno Island, El Burro Island, unnamed island (south of and adjacent to Roman 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 Maria Chica Island, Tres Cruces Island, Santa Maria 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 the 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 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.

Uruguay, while signing the treaty, made the following reservation on the point of origin of the boundary:

In the act of signing, as Plenipotentiary on the Republic, the Treaty of Boundaries in the Uruguay River, ... and in my capacity as Minister of Foreign Affairs of the Republic of Uruguay, I must solemnly reiterate, ... the reservation already expressed in 1940 in the rights of my country in the Uruguay River area delimited between the Argentine Republic and United States of Brazil, by the Sagarna Rodriquez Alves Supplementary Convention on Boundaries of December 27, 1927:

(a) Because Uruguay was not a party to this later Convention, despite its unquestionable rights to part of that area, the Convention consequently being, with respect to my country, res inter alios acta;

(b) Because in the aforesaid Supplementary Convention, the so-called "Isla Brasileira" was attributed to the Sovereignty of Brazil through a manifestly erroneous interpretation of and application to the real geographic situation of the Treaty of Boundaries between Uruguay and Brazil of October 12, 1851; and

(c) Because on that occasion and by means of said Supplementary Convention, disposition was made of the body of water of the Uruguay River that is also unquestionably Uruguayan, through an erroneous interpretation and application of the above-mentioned Treaty of Boundaries between Uruguay and Brazil of October 12, 1851.

The reservation shows that the Argentina–Brazil–Uruguay tripoint is in dispute with the ownership of Isla Brasileira contested between Brazil and Uruguay. Argentina is not involved. Scale permitting, this point should be noted on U.S. official maps.

IV. TREATY OF NOVEMBER 19, 1973

Article 41 of Chapter VII in the treaty of November 19, 1973, provides the geographic coordinates for the boundary points in the Rio de la Plata from the parallel of Punta Gorda to Point 9 as follows:

Article 41. Each party may explore and exploit the resources of the bed and subsoil of the river in the areas adjacent to their respective coasts up to a line determined by the following geographic points fixed on the charts made by the Comision Mixta Uruguayo–Argentina de Levantamiento Integral del Rio de la Plata (Uruguayan–Argentine Joint Commission for the Comprehensive Survey of the Plata River) and published by the Servicio de Hidrografia Naval de la Republica Argentina (Naval Hydrographic Service of the Argentine Republic), which are part of this Treaty:

Chart H-118, Second Edition, 1972

Points	South Latitude	West Longitude
1	33°55.0'	58°25.3'
2	33°57.3'	58°24.3'
3	34°00.0'	58°22.6'
4	34°02.3'	58°20.7'
5	34°06.2'	58°20.0'
6	34°07.4'	58°19.4'
7	34°09.0'	58°19.0'
8	34°10.0'	58°17.6'
9	34°12.0'	58°15.1'

Articles 44, 45, and 46 of Chapter VIII afford the status of Isla Martin Garcia and other islands in the Rio de la Plata.

Article 44. Existing islands or any island that may emerge in the river in the future shall belong to one of the two Parties depending on which side of the line indicated in Article 41 they are on, with the exception of what is provided for Martin Garcia Island in Article 45.

Article 45. Martin Garcia Island shall be devoted exclusively to be a natural preserve for the conservation and preservation of the native fauna and flora, under the jurisdiction of the Argentine Republic, without prejudice to the provisions of Article 63.

Article 46. If the Martin Garcia Island merges with another island, its boundaries shall follow the contours of Martin Garcia Island as shown on chart H118, to which Article 41 refers. Nevertheless, alluvial growths of Martin Garcia Island affecting its present natural access to the Martin Garcia (Buenos Aires) and El Infierno Channels shall belong to this island.

Article 63 of Chapter XII designates Isla Martin Garcia as the seat of an Administrative Commission for the Rio de la Plata as follows;

Article 63. The parties agree to designate Martin Garcia Island as the seat of the Administrative Commission.

The Administrative Commission shall have the necessary buildings and grounds for its operation, and shall build and administer a park dedicated to the memory of the heroes of both countries respecting the jurisdiction and purpose agreed upon in Article 45. The Argentine Republic shall have such buildings, installations, and grounds as may be necessary to exercise its jurisdiction.

The agreement concerning the seat of the Commission shall include regulations on the relations between Argentina and the Commission, on the basis that the seat designated in conformity with the first paragraph shall be protected by the privilege of inviolability and other privileges established by international law.

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