



International Boundary Study

No. 165 – September 1, 1978

Bolivia – Paraguay Boundary

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BOLIVIA – PARAGUAY BOUNDARY

I. BOUNDARY BRIEF

The Bolivia–Paraguay boundary is approximately 750 kilometers (466 miles) long. Clockwise from the tripoint with Argentina in the Rio Pilcomayo, it extends along nine consecutive geodesic lines to the thalweg of the Rio Negro. The boundary then follows the Rio Negro for about 42 kilometers (26 miles) to its confluence with the Rio Paraguay. The vertices of the various geodesic lines are demarcated by First Category pillars designated by Roman numerals.

II. HISTORICAL BACKGROUND

Paraguay gained independence from Spain on May 14, 1811; Bolivia was proclaimed independent from Spain by the authority of Simon Bolivar on August 6, 1825. Following independence, the two states disagreed on the ownership of the northern part of the Gran Chaco between the Rio Paraguay and the Rio Pilcomayo, an area commonly known as the Chaco Boreal.

Bolivia claimed that the territory lying between Bahia Negra on the Rio Paraguay and the Rio Pilcomayo was, by royal letters patent, assigned to and incorporated within the dominion and jurisdiction of the Audencia de Charcas. By virtue of the principle or doctrine of *uti possidetis*¹, according to Bolivia, the Audencia de Charcas became Bolivia and included the territory between the Rio Paraguay and the Rio Pilcomayo.

Paraguay, while recognizing the principle of *uti possidetis*, did not agree that Bolivia was constituted upon the jurisdiction and power of the Audencia de Charcas. Paraguay maintained that its possession of the territory between the rivers had been continuous throughout the colonial period to the present time. For many years the two governments attempted to settle the dispute by direct negotiations and treaties.

During the years 1865–70, Paraguay was opposed by Argentina, Brazil, and Uruguay in the War of the Triple Alliance. Six years after the termination of the war, the ownership of the Chaco Boreal was disputed by Argentina and Paraguay. The two states agreed that the Chaco Boreal between Bahia Negra and the Rio Verde would belong to Paraguay and that the Chaco Central (between the Rio Pilcomayo and the Rio Tenco–Rio Bermejo) would belong to Argentina. They also signed an arbitration treaty on February 3, 1876, submitting the territory of the Chaco Boreal between the Rio Verde and the Rio Pilcomayo

¹ It gradually became accepted as a general doctrine in South America that the boundaries of the American republics should ordinarily coincide with the boundaries of the preceding Spanish administrative divisions and subdivisions. This doctrine was known as the principle of the *Uti Possidetis* of 1810. The principle of *uti possidetis* was not included in any of the early treaties among the new states or in any treaty between them and Spain.

to the decision of the United States President Rutherford B. Hayes, who decided the dispute in favor of Paraguay.

The first Bolivian–Paraguayan boundary treaty was signed by Plenipotentiaries Quijarro and Decoud on October 15, 1879, during a war between Bolivia and Chile. It divided the Chaco Boreal along the parallel of 22°05' S., which corresponds to the mouth of the Rio Apa. The treaty was not submitted to the Paraguayan Congress, but was approved by the National Convention of Bolivia in 1881 with the modification that the boundary consisted of the 22nd parallel up to its intersection with the meridian of 62°30' W., from which point the line would extend to the point of intersection of the Rio Pilcomayo with the parallel of 24°. In 1883 the modification was blocked by a protocol postponing the matter, and in 1886 the Bolivian Congress deleted the modification and confined itself to approving the original treaty.

A second treaty (Tamayo–Aceval Treaty) was signed by Bolivia and Paraguay on February 17, 1887, to replace the Treaty of 1879, but it was never ratified by Paraguay. The 1887 treaty divided the right (west) bank of the Rio Paraguay into three parts as follows: (1) that from the mouth of the Rio Pilcomayo to the mouth of the Rio Apa (22°05'), and then extending westward to the meridian 63° west of Paris (60°39'46.05" west of Greenwich), was recognized as belonging to Paraguay; (2) that from the mouth of the Rio Apa to the parallel which passes at one league to the north of Fuerte Olimpo and the same meridian of 63° west of Paris was to be submitted to the arbitral decision of the King of Belgium; and (3) that from the latitude of the parallel one league north of Fuerte Olimpo to Bahia Negra (Puerto Pacheco) was recognized as belonging to Bolivia.

Signed on November 23, 1894, the Ichazo–Benitez Treaty divided the Chaco Boreal by a line starting from a point three leagues to the north of Fuerte Olimpo and terminating at the intersection of the meridian of 61°28' and the Rio Pilcomayo. The treaty was not ratified, and on May 19, 1896, the Paraguayan Congress, by a resolution, postponed the matter indefinitely.

On January 12, 1907, an agreement signed by Bolivia and Paraguay—known as the Pinilla–Soler protocol—made provision for the submission of the boundary dispute to the arbitration of the President of Argentina. The territory to be arbitrated was between the parallel of 20°30' and an undetermined northern limit, while westward it extended to a median strip between the meridians of 61°30' and 62°. Bolivian protests followed the signing of the agreement, and the Mujia–Ayala protocol of April 5, 1913, declared the 1907 protocol null and void.

In April 1927, Bolivia and Paraguay negotiated the Gutierrez–Diaz Leon protocol, thus accepting the assistance of the Argentine Government in promoting a settlement of the boundary dispute. The Commission established by this agreement was in session in Buenos Aires on December 5, 1928, when news of an armed conflict between Bolivia and Paraguay curtailed further negotiations.

In accordance with a resolution of the Sixth Pan American Conference, held in Havana in 1928, an American International Conference on Conciliation and Arbitration was convened at Washington on December 10, 1928. The Washington conference established a Commission of Inquiry to investigate the Bolivian–Paraguayan conflict, consisting of nine members with two representatives each from Bolivia and Paraguay and one each from Colombia, Cuba, Mexico, Uruguay, and the United States. An acceptable plan for the arbitration of the boundary dispute had not been reached by the time of the expiration of the Commission on September 13, 1929.

From mid-1932 until a cease-fire on June 12, 1935, Bolivia and Paraguay were engaged in the Gran Chaco War. On July 21, 1938, a Treaty of Peace, Friendship and Boundaries between the Republics of Bolivia and Paraguay was signed at Buenos Aires. Article 2 of the Treaty made Argentina, Brazil, Chile, Peru, Uruguay, and the United States mediators of the boundary. Article 5 provided for a mixed commission consisting of five members. Two members each were to be named by the two principals and a fifth by the common accord of the mediator governments.

Representatives of the Presidents of the mediator countries, meeting in the Arbitral College in Buenos Aires, announced their decision on the delimitation of the Bolivia–Paraguay boundary on October 10, 1938. The arbitral award of 1938 determines the present alignment of the boundary between Bolivia and Paraguay.

A protocol signed by the mediator countries on November 25, 1938, set forth the manner of choosing the fifth member of the boundary commission, who was also to be its president. In February 1939, a boundary commission was appointed for the demarcation of the boundary. It was decided that the boundary for purposes of demarcation would be divided into two sectors: (1) a western sector from the thalweg of the Rio Pilcomayo to the highest point of Cerro Guarani; and (2) a northern sector from Cerro Guarani to the confluence of the Rio Negro (Rio Otuquis) and the Rio Paraguay. The commission also decided that the vertices of the boundary would be determined astronomically and marked by First Category markers with Roman numeral designations.²

A minor dispute developed during the initial demarcation of the boundary relative to the location of the hill called Cerro Chovoreca. Although Paraguay claimed that the hill was in the boundary area, Bolivia was doubtful, and a marker was erected arbitrarily at a place which then was designated Cerro Chovoreca. In the course of later surveys made by the mixed commission, the hill was located seven and one-half kilometers north of the boundary marker.

On July 11, 1969, the award of the Chairman of the Boundary Commission confirmed that the hill discovered in the survey was the proper location of the point indicated in the 1938

² Markers also were erected on the land adjacent to the river tripoints with Argentina and Brazil for a total of 11 First Category markers.

treaty, and the alignment of the boundary was changed to conform to the new location of boundary pillar No. VIII on Cerro Chovoreca.

III. ALIGNMENT

The award of October 10, 1938, by the Arbitral College in Buenos Aires delimits the Bolivia–Paraguay boundary as follows:

... In the northern zone the line shall run from the intersection of meridian $61^{\circ}56'57''$ west of Greenwich and parallel $20^{\circ}05'01''$ latitude south (27 de Noviembre on Gabino Mendoza) to continue in a straight line to the highest point of Cerro Capitan Ustares [Cerro Guarani]; thence in a straight line to the intersection of the Ravello–Ingavi Road with the southern limit of the Canada (ravine) del Palmar de las Islas; from this point, also in a straight line, to the intersection of the meridian of Fortin Paredes with the parallel of Fortin Ravelo; thence in a straight line to the highest point of Cerro Chovoreca; thence it shall descend in a straight line to Cerrito Jara; thence, also in a straight line, to the intersection of parallel $19^{\circ}49'40''$ latitude south with the Negro or Otuquis River and, following the thalweg of the said river, shall end at the outlet of the same into the Paraguay River at $20^{\circ}09'58''$ latitude south and $58^{\circ}10'12.9''$ west of Greenwich. In the western zone the line shall run from the intersection of meridian $61^{\circ}56'57''$ west of Greenwich and parallel $20^{\circ}05'01''$ latitude south (27 de Noviembre or Gabino Mendoza) and shall descend in a straight line in a south–southwesterly direction to the place called Villazon, 15 kilometers southwest of Irendague [Fortin Coronel Eugenio A. Garay]; thence in a straight line southward to intercept the road from Estrella to Capirenda (Capitan Carreras Saguier) at a point 10 kilometers west of Estrella; thence in a straight line to end in the thalweg of the Pilcomayo River at $62^{\circ}37'19''$ longitude west of Greenwich.

APPENDIXES

I. First Category Pillars

<u>Pillars</u>	<u>Geographical Coordinates</u>					
	<u>Latitude</u>			<u>Longitude</u>		
	o	'	"	o	'	"
I – La Esmeralda	22	13	43.66	62	38	17.10
II – 10 de Octubre	21	03	30.74	62	15	42.63
III – Sargento Rodriguez	20	33	46.84	62	16	00.30
IV – Gabino Mendoza (27 de Noviembre)	20	05	21.56	61	55	20.56
V – Cerro Guarani (Cerro Capitan Ustares)	19	38	00.90	61	44	09.56
VI – Palmar de las Islas	19	27	21.64	60	36	17.18
VII – Coroneles Sanchez	19	17	41.00	59	58	38.62
VIII – Cerro Chovoreca	19	17	22.42	59	04	03.42
IX – Cerrito Jara	19	46	30.60	58	14	08.66
X – 12 de Junio	19	49	40.00	58	09	53.02
XI – Tripartito	20	10	00.21	58	10	11.14

II. Documentation

1. Arbitral Sentence Rendered by the President of the United States of America in the Boundary Question. Signed at Washington, November 12, 1878. *United States, Treaty Series No. 390.*
2. Boundary Treaty [Decoud–Quijarro Treaty]. Signed at Asuncion, October 15, 1879. Approved by Bolivia conditionally on August 3, 1881, and unconditionally on November 12, 1886; ratified by Bolivia on November 23, 1886; and declared lapsed on August 3, 1894. *Bolivia, Tratados* (1904), 3:114–116 (Spanish), and *Paraguay, Tratados* (1934), 1:239–240 (Spanish).
3. Boundary Treaty [Aceval–Tamayo Treaty]. Signed at Asuncion, February 16, 1887. Approved by Bolivia on November 23, 1888; exchange of ratifications prorogued for nine months on February 14, 1888; and declared lapsed on August 3, 1894. *British and Foreign State Papers (BFSP)*, Vol. 78 (1886–1887), pp. 47–48.
4. Boundary Treaty [Benitez–Ichazo Treaty]. Signed at Asuncion, November 23, 1894. Approved by Paraguay on November 24, 1894, and postponed indefinitely by

Paraguayan Congress on May 19, 1886. *Mujia, Anexos* (1914?), 5:137–140 (Spanish), and *Paraguay, Tratados* (1934), 1:256–257 (Spanish).

5. Arbitration Agreement. Signed at Buenos Aires, January 12, 1907. Approved by Bolivia, March 6, 1907, and by Paraguay on March 11, 1907. Not ratified. *Commission of Inquiry and Conciliation, Bolivia–Paraguay* (1929), *Proceedings*, pp. 851–852.
6. Preliminary Delimitation Protocol. Signed at Asuncion, April 5, 1913. Approved by both Bolivia and Paraguay on July 28, 1913, and ratifications exchanged on July 28, 1913. Finally prorogued indefinitely on June 17, 1918. *BFSP*, Vol. 107 (1914, Part I), p. 604.
7. Protocol for the Acceptance of the Good Offices of Argentina for the Resumption of Boundary Negotiations. Signed at Buenos Aires, April 22, 1927. Approved by both Bolivia and Paraguay on June 29, 1927. Ratified by Bolivia on June 30, 1927. *Commission of Inquiry and Conciliation, Bolivia–Paraguay* (1929), *Proceedings*, pp. 270, 875.
8. Protocol Concerning Constitution of a Commission of Investigation and Conciliation. Signed at Washington, January 3, 1929. *Commission of Inquiry and Conciliation, Bolivia–Paraguay* (1929); *Proceedings*, pp. 1–3, 481–483.
9. Treaty of Peace, Friendship, and Boundaries. Signed at Buenos Aires, July 21, 1938. Approved by Bolivia on August 10, 1938, and by Paraguay on August 10, 1938 (plebiscite) and February 9, 1939 (Congress). Ratified by Bolivia on August 11, 1938, and by Paraguay on August 24, 1938. Ratifications exchanged at Buenos Aires on August 29, 1938. *Pan American Union, Bulletin*, 72, No. 8 (August 1938), pp. 453–454.
10. Award of the Arbitral College Concerning the Boundary. Signed at Buenos Aires, October 10, 1938. *Chaco Peace Conference* (1939), Department of State, Publication 1466, Conference Series 46. Washington; Government Printing Office (1940).

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