



International Boundary Study

No. 168 – May 10, 1979

Argentina – Brazil Boundary

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**The Geographer
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INTERNATIONAL BOUNDARY STUDY

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ARGENTINA – BRAZIL BOUNDARY

I. BOUNDARY BRIEF

The Argentina - Brazil boundary is approximately 1,224 kilometers (761 miles) long, including 1,200 kilometers (746 miles) along the thalwegs of four rivers. From the confluence of the Rio Parana and the Rio Iguazu, it follows the latter river upstream for 124 kilometers (77 miles) and then the Rio San Antonio for 130 kilometers (81 miles) to its source. Demarcated by pillars, the line continues by the highest ground for 24 kilometers (15 miles) to the source of the Rio Pepiri Guazu. The boundary next follows the Rio Pepiri Guazu for 225 kilometers (140 miles) and then the Uruguay river downstream for 721 kilometers (448 miles).

II. HISTORICAL BACKGROUND

The Governments of Argentina and Brazil signed an initial boundary treaty - which was never ratified by Argentina - on December 14, 1857, as follows:

ART. I. The two High Contracting Parties, being resolved to fix their respective boundaries, have agreed to declare and acknowledge as the frontier of Brazil and the Argentine Confederation between the Rivers Uruguay and Parana, that which is described below:

The territory of the Empire of Brazil is divided from that of the Argentine Confederation by the River Uruguay, all the right or western bank belonging to the Confederation, and the left or eastern bank to Brazil, from the mouth of the affluent Quarahim to that of the Pepiri-guassu, where the Brazilian possessions occupy the two banks of the Uruguay.

The dividing line proceeds by the waters of the Pepiri-guassu to its principal source, from thence it continues along the highest ground till it meets the principal head of the San Antonio as far as its entrance into the Iguassu or Great River of Coritiba, and along that to its confluence with the Parana.

The lands which the Rivers Pepiri-guassu, San Antonio, and Iguassu, separate on the eastern side belong to Brazil, and on the western side to the Argentine Confederation; the waters of the first two rivers belonging in common throughout the whole of their course to the two nations, and those of the Iguassu only from the confluence of the San Antonio as far as to the Parana.

II. The two High Contracting Parties declare, in order to prevent any doubt, although the designations given in Article I are now well known, that the Rivers Pepiri-guassu and San Antonio are those which were acknowledged in 1759 by the boundary surveyors of the Treaty concluded 13th January, 1750, between Portugal and Spain.

Also on December 14, 1857, an Argentine - Brazilian protocol was signed concerning the boundary treaty of the same date. It rejected the necessity of recognizing the validity or invalidity of the Portuguese - Spanish treaty of January 13, 1750, and proposed in its stead the principle of uti possidetis.

A treaty was signed by Argentina and Brazil on September 28, 1885, to create a mixed demarcation commission which was charged with surveying the somewhat controversial rivers - known by various names such as the Pepiri - Guazu (Pepiri - Guacu), San Antonio (Santo Antonio), Pequiri - Guazu (Chapeco), and San Antonio - Guazu (Chopin) - and the territory between the Rio Pepiri Guazu and the Rio San Antonio. Instructions issued to the commission on the same date stated that the survey work could begin at the mouth of either the Rio Pepiri Guazu or the Rio San Antonio (Rio Jangada). The commission was charged solely with surveying; questions of right or preference along the boundary were not to be discussed.

Differences regarding the area embraced by the Rio Pepiri Guazu and the Rio San Antonio gave rise to an Argentine - Brazilian arbitration treaty on September 7, 1889. It provided that the boundary dispute was to be arbitrated by the President of the United States if an agreement was not reached on a line within 90 days of the conclusion of the survey between the sources of the Rio Pepiri Guazu and the Rio San Antonio.

A boundary treaty was signed by Argentina and Brazil at Montevideo on January 25, 1890. In accordance with the treaty, the boundary in the Misiones territory after leaving the Uruguay river followed the right bank of the Rio Pepiri Guazu (Chapeco), crossed the Uruguay - Rio Iguazu drainage divide between Campo Ere (Ere) and Campo Santa Ana (Sant'Anna), and continued along the left bank of the Rio San Antonio (Chopin) to the Rio Iguazu. A mixed commission proceeded to map the disputed territory, but Brazil rejected the treaty the following year.

On February 5, 1895, an award was made by President Grover Cleveland of the United States of America on the Argentina - Brazil boundary under the treaty of arbitration concluded on September 7, 1889, as follows:

That the boundary line between the Argentine Republic and the United States of Brazil in that part submitted to me for arbitration and decision is constituted and shall be established by and upon the rivers Pepiri (also called Pepiri-guazu) and San Antonio, to wit, the rivers which Brazil has designated in the argument and document submitted to me as constituting the boundary, and herein before denominated the Westerly System.

A protocol to execute the arbitral award of the President of the United States was signed on August 9, 1895. It specified the manner of placing boundary pillars along the Rio Pepiri Guazu and the Rio San Antonio. A second protocol, October 1, 1898, provided for the placing of two pillars in addition to those included in the 1895 protocol.

With only limited subsequent modifications, the treaty signed by Argentina and Brazil on October 6, 1898, is the basis for the present Argentina - Brazil boundary as follows:

ART. I. The dividing-line between Brazil and the Argentine Republic starts from the River Uruguay in front of the mouth of the River Quarahim, and follows the thalweg of that river to the mouth of the River Pepiriguassu. The left or eastern bank of the Uruguay belongs to Brazil, and the right or western bank to the Argentine Republic.

II. From the mouth of the River Pepiriguassu the line follows the channel of this river to its principal source, whence it continues by the highest ground to the principal source of the River S. Antonio, and from there along the channel of that river to its junction with the River Iguassu, in accordance with the Award given by the President of the United States of America. The territory to the west of the dividing-line, to the full length of each of the two rivers, and of the line which divides the highest ground between the sources of the said rivers, belongs to Brazil. The land lying to the east belongs to the Argentine Republic.

III. From the mouth of the River S. Antonio the line follows the thalweg of the River Iguassu until it flows into the River Parana, the northern or right bank of the said Iguassu belonging to Brazil, and the southern or left bank to the Argentine Republic.

IV. The islands of the Uruguay and Iguassu shall belong to the country indicated by the thalweg of each of these rivers. The Boundary Commissioners, however, shall have the power to propose such exchange as they may consider advisable in the interests of both countries, which exchange shall depend on the approval of the respective Governments.

A mixed commission demarcated the boundary between November 3, 1900, and October 6, 1904. Pillars were erected adjacent to rivers, on islands, and along the highest ground between the Rio Pepiri Guazu and the Rio San Antonio. Three secondary and 45 tertiary pillars were placed along the drainage divide in the territory between the Rio Pepiri Guazu and the Rio San Antonio. On October 4, 1910, a boundary convention was signed complementary to the treaty of October 6, 1898, which placed the boundary in the Uruguay river between the southwest point of Brasileria Island (or Quarai) and the mouth of the Rio Cuareim (Rio Quarai). The convention was not ratified by Argentina.

Also on October 4, 1910, declaratory articles relative to the demarcation of the boundary were signed at Rio de Janeiro. They contained a final list of the distribution of the islands between Argentina and Brazil in the Uruguay and Rio Iguazu and afforded the location of various pillars along the boundary. The articles stated that the boundary, previously indicated as following river channels, utilized the thalwegs of the Rio Pepiri Guazu and the Rio San Antonio as well as those of the Uruguay and Rio Iguazu.

A complementary boundary convention signed by Argentina and Brazil on December 27, 1927, modified Article I of the treaty of 1898 and placed the boundary in the Uruguay river between the right bank and Brazilia Island (Uaraim, Cuareim, Brasilerira) as follows:

Art. 1: - From the line which unites the Brazilian landmark of the Quarahim bar and the Argentine landmark which is situated almost across from it, on the right bank of the Uruguay River, marks which were inaugurated on the 4th of April 1901, the boundary between Brazil and Argentina follows along the Uruguay River, passing between its right bank and the Brazilian island of Quarahim, also called Isla Brasilena, and continues thus until it meets the normal boundary line between the two banks of the river, situated a little below the south-east end of the island.

Art. 2: - A technical commission named by the two governments will change the boundary line in the section of the Uruguay River between the two lines above indicated and will establish a new Brazilian landmark at the south-east end of the island, and another Argentine one which corresponds to that on the right bank of the river.

Art. 3: - Art. 1. of the boundary treaty of October 6th 1899 will be substituted by the following: The dividing line between Brazil and the Argentine, on the River Uruguay, commences at the normal boundary line between the two banks of the same river, which passes a little below the south-east point of the Brazilian island of Quarahim; it follows, going up the river, through the navigable canal between the right or Argentine bank and the west and north edges of Quarahim Island, passing in front of the mouth of the Mirinay River in the Argentine and the mouth of the Quarahim River, which separates Brazil from Uruguay, and following the same route by the Uruguay River, meets the line which unites the two landmarks set up on April 4, 1901, one Brazilian, on the Quarahim sandbar, and the other Argentine, on the right bank of the Uruguay. From there it follows on along the Talweg of the Uruguay to the meeting of that river with the Pepiry - Guazu, as was stipulated in Art. 1. of the treaty of the 8th of October 1898, and in accordance with the demarcation made from 1900 to 1904, as agreed in the act signed in Rio de Janeiro October 4, 1910.

In a treaty signed by Argentina and Uruguay on April 7, 1961, the Government of Uruguay made a reservation on the point of origin of their boundary. The reservation indicated that the Argentina - Brazil - Uruguay tripoint was in dispute, with the ownership of Brasileria Island contested between Brazil and Uruguay.

The reservation is as follows:

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 the United States of Brazil, by 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.

III. ALIGNMENT

Except for the segment of the boundary demarcated in the Uruguay river as between the right bank and Brasileira Island (in accordance with the convention of December 27, 1927), the alignment of the boundary, along with relevant treaties, is included in the declaratory articles of October 4, 1910, as follows:

ART. I. The Government of the Argentine Republic and the Government of the Republic of the United States of Brazil confirm the approval which, after careful examination of the documents, each Government gave separately to all the resolutions of Conferences, to those fixing boundary marks, to the general plan of the dividing line between the two countries, to the sketches of the same line and of all the islands and islets, and, in general, to all the work carried out from the 3rd day of November of the year 1900, to the 6th day of October of the year 1904, by the Mixed Argentine - Brazilian Commission when carrying out the Award of the 5th day of February of the year 1895, of the Boundary Treaty of the 6th day of October of the year 1898, and of the Instructions of the 2nd day of August of the year 1900.

II. In consequence of the above, the demarcation carried out throughout the whole extent of the frontier is accepted, demarcation which began at the mouth of the River Cuareim (Quarahim) on the left, or Brazilian, bank of the Uruguay, and at a point situated opposite the said mouth on the right, or Argentine, bank of the Uruguay, according to the resolutions inaugurating the placing of the two first principal boundary marks on the 4th day of April of the year 1901, and the first principal Act of the 18th day of June of the year 1904, continuing by the thalweg of the Rivers Uruguay and Pepiri - Guazu, by the highest ground between the principal sources of

the latter and that of the San Antonio¹, and afterwards by the thalweg of the San Antonio and of the Iguazu up to the confluence of the latter with the Parana.

III. By the demarcation made, in accordance with Article IV of the Treaty of the 6th day of October of the year 1898, and according to the three principal Acts, describing the dividing line, signed by the Mixed Commission the 18th day of June, the 15th day of July, and the 8th day of August of the year 1904, and also according to the sketches and the general map to which the Act of the eighth conference of the 6th day of October of the year 1904 refers, the following islands and islets in the River Uruguay from the confluence with the Cuareim (Quarahim) to the mouth of the Pepiri - Guazu belong to the Argentine Republic of the United States of Brazil....^[2]

¹ Principal and secondary pillars erected on the highest ground between the Rio Pepiri Guazu and Rio San Antonio, listed in the articles of October 4, 1910, are as follows: (1) 26°14'14.5" S., 53°38'37.5" W. (source of Rio Pepiri Guazu); (2) 26°12'25" S., 53°38'49.5" W.; (3) 26°10'11" S., 53°40'30" W.; (4) 26°08'52" S., 53°42'06" W.; and (5) 26°06'54", 53°44'22.5" W. (source of Rio San Antonio).

² For the sovereignty of the islands in the Uruguay and Rio Iguazu, see No. I of the Appendixes.

APPENDIXES

I. Islands in Uruguay River and Rio Iguazu

In accordance with the declaration of October 4, 1910, the following islands or groups of islands listed successively upstream on the Uruguay river belong to Argentina (A) or Brazil (B) as indicated:

Isla Pacu (A), Isla Grande de Saudade (A), Ilha Japeju (B), Ilha da Cruz (B), Isla Chaparro (A), Isla Aguapey (A), Ilha Palomas (B), Isla Murcielagos (A), Isla Tacuaras Inferior (A), Ilha Quadrada (B), Ilha Butui Grande (B), Ilha Butui Chica (B), Isla del Vado (A), Islote del Tigre (A), Isla del Cuay (A), Isla de Santa Ana (A), Ilha Santa Luzia (B), Isla Santa Lucia (A), Isla de Vargas (A), Isla San Mateus (A), Islotes Sarandi (A), Ilha Mercedes (B), Ilha Pequena (B), Isla Grande (A), Ilhas de los Garruchas (B), Isla San Lucas Grande (A), Ilha Sao Lucas Pequena (B), Ilha Tacuaras Superior (B), Isla Cerrito (A), Isla Piratini or Ilha Piratini (consists of four islands and an islet; the three islands on the eastern side and the islet belong to Brazil), Ilha San Isidro or Sao Isidro (consists of three large islets and several small islets; one large islet and two small islets belong to Argentina), Ilha Santa Maria (B), Islotes Ijuhy (A), Isla Itacaruaré Chica (A), Ilha Itacaruaré Grande (B), Ilhas San Xavier (B), Islotes San Javier (A), Ilhas Cumanday (B), Ilha Grande (B), Islotes Chico Alferez (A), Ilhas del Rocardor (B), Ilha del Bugre (B), Islotes del Borracho (A), Ilha Bigua (B), Islotes de Canal Tuerto (A), Ilha Jacare (B), Ilhas del Saltinho (B), Islas Chafariz (A), Ilhas Burica (B), Isolote Pucha para Atras (A), Isla Dino (A), and Islote Pepiri-Guazu.

Also in accordance with the declaration of October 4, 1910, the following islands or groups of islands listed successively downstream on the Rio Iguazu belong to Argentina (A) or Brazil (B) as indicated:

Ilhas do Pesqueiro (B), Isla Grande (A), Ilhas Taquaras (B), Isla San Augustin (A), Ilhas Cataratas do Iguacu (islands, islets, and reefs preceding the cataracts adjacent to the left bank belong to Argentina and those adjacent to the right bank belong to Brazil).

II. Documentation

1. Treaty of Limits between the Argentine Confederation and Brazil. Signed at Parana, December 14, 1857. Ratified by the Emperor of Brazil on January 30, 1858; exchange of ratifications prorogued for six months on September 10, 14, 1958; not ratified by Argentina. British and Foreign State Papers (BFSP), Vol. 49 (1858 - 1859), pp. 1316 - 1317.
2. Protocol relating to the Treaty of Limits between the Argentine Confederation and Brazil. Signed at Parana, December 14, 1857. BFSP, Vol. 49 (1858 - 1859), pp. 1318 - 1319.
3. Treaty between Brazil and the Argentine Republic, for the Survey of certain Rivers and Territories, with the view of the Settlement of the Misiones Boundary. Signed at Buenos Aires, September 28, 1885. Ratifications exchanged at Rio de Janeiro on March 4, 1886. BFSP, Vol. 76 (1884 - 1885), pp. 309 - 310.
4. Instructions referred to in Article II of the Treaty between Brazil and the Argentine Republic of the 28th September, 1885, for the Exploration of the four Rivers which bound on the West and on the East the Territory in dispute, and of the said Territory itself. Signed at Buenos Aires on September 28, 1885. Ratifications exchanged at Buenos Aires on March 4, 1886. BFSP, Vol. 76 (1884 - 1885), pp. 310 - 313.
5. Treaty between the Argentine Republic and Brazil, for the Settlement of the Misiones Boundary. Signed at Buenos Aires, September 7, 1889. Ratifications exchanged at Buenos Aires on November 4, 1889. BFSP, Vol. 81 (1888 - 1889), pp. 254 - 255.
6. Boundary Treaty. Signed at Montevideo, January 25, 1890. Approved by Argentina on March 27, 1890; rejected by Brazil on August 10, 1891. Argentina, Tratados (1911 - 1912), Vol. 2, pp. 652 - 654 (Spanish).
7. Award of the President of the United States of America under the treaty of arbitration concluded September 7, 1889, between the Argentine Republic and the Empire (now United States) of Brazil. Signed at Washington, February 5, 1895. United States, Treaty Series, No. 5; also BFSP, Vol. 87 (1894 - 1895), pp. 697 - 699.
8. Protocol between the Argentine Republic and Brazil for the Execution of the Award of the President of the United States of America in the Misiones Boundary Dispute. Signed at Rio de Janeiro, August 9, 1895. Approved by Argentina on September 7, 1895. BFSP, Vol. 87 (1894 - 1895), pp. 1209 - 1210.
9. Treaty between the Argentine Republic and Brazil, for settling the Boundary between the two Countries. Signed at Rio de Janeiro, October 6, 1898. Ratifications

exchanged at Rio de Janeiro on May 26, 1900. BFSP, Vol. 90 (1897 - 1898), pp. 85 - 87.

10. Boundary convention complementary to the boundary treaty of October 6, 1898. Signed at Buenos Aires, October 4, 1910. Approved by Argentina on October 6, 1910; not ratified by Argentina. Argentina, Tratados (1911 - 1912), Vol. 2, pp. 713 - 715 (Spanish).
11. Declaration confirming the Demarcation of Frontiers between the Argentine Republic and the United States of Brazil. Signed at Rio de Janeiro, October 4, 1910. Approved by Argentina on March 14, 1911. BFSP Vol. 103 (1909 - 1910), pp. 341 - 355.
12. Complementary boundary convention. Signed at Buenos Aires, December 27, 1927. Ratifications exchanged at Rio de Janeiro on July 9, 1941. Argentina, Memoria del Ministerio de Relaciones Exteriores (1927), pp. 106 - 108 (Spanish); also Brazil, Convencao complementar de limites (December 27, 1927), pp. 11 - 12 (Portuguese).

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