



International Boundary Study

No. 170 – November 23, 1979

Brazil – Uruguay Boundary

(Country Codes: BR-UY)

**The Geographer
Office of the Geographer
Bureau of Intelligence and Research**

INTERNATIONAL BOUNDARY STUDY

No. 170 - November 23, 1979

BRAZIL – URUGUAY BOUNDARY

TABLE OF CONTENTS

	<u>Page</u>
I. Boundary Brief.....	2
II. Historical Background.....	2
III. Alignment	3
IV. Present Situation.....	5
Documentation	7

BRAZIL – URUGUAY BOUNDARY

I. BOUNDARY BRIEF

The Brazil - Uruguay boundary is approximately 985 kilometers (612 miles) long. It is demarcated by pillars or various rivers including the Rio Yaguaron (Rio Jaguarao) and the Rio Cuareim (Rio Quarai). In addition to rivers, which comprise about 60 percent of the boundary, the line passes through Laguna Merin (Lagoa Mirim) and follows the Cuchilla de Santa Ana and the Cuchilla Negra. Disputes exist relative to the sovereignty of Brasilera Island at the mouth of the Rio Cuareim and to the identity of the Arroyo de la Invernada (Arroio Invernada).

II. HISTORICAL BACKGROUND

In 1776, the Spanish lands adjacent to the Rio de la Plata were separated from the administration of the viceroy in Peru, and the Viceroyalty of La Plata was established with Buenos Aires as the seat of government. By the Treaty of Incorporation of July 31, 1821, the Province of Montevideo (Banda Oriental) was annexed by Brazil as the Cisplatine Province. The treaty of 1821, based on uti possidetis, delimited the boundaries of Uruguay as follows:

On the east the Ocean; on the south the River Plate; on the west the Uruguay; on the north the River Quareim as far as the ridge of Santa Anna, that divides the River Santa Maria, and at this part of the stream Tacuarembó Grande, following the points of the Yaguaron, enters Lake Merim, and passes by the point of San Miguel to join the Chui, which falls into the Ocean.

In February 1827, Brazilian forces were defeated at Ituzaingo by troops of the United Provinces of the Rio de la Plata (Argentina) and of the Province of Montevideo. Claims to the Province of Montevideo by Argentina and Brazil were abandoned, and a treaty signed by Argentina, Brazil, and the Province of Montevideo on August 28, 1828, created the Oriental Republic of Uruguay.

Brazil and Uruguay signed a boundary treaty on October 12, 1851, declaring null the various treaties on which territorial rights had been claimed, especially the Convention of Montevideo of January 30, 1819, and the Treaty of Incorporation of 1821. The treaty of 1851 delimited the Brazil - Uruguay boundary in greater detail than did the treaty of 1821 and modified it in places. All sectors of the 1851 treaty have now been superseded by subsequent treaties, except for the sector between the headwaters of the Arroio da Mina (Arroyo Mina) and the Uruguay river.

On May 15, 1852, a treaty was signed to modify the boundary between the Arroyo Chuy (Arroio Chuy) and the Rio Jaguarao (Rio Yaguaron). This treaty was followed by a

protocol signed at Montevideo on April 22, 1853,¹ which interpreted the 1852 boundary in detail.

The boundary between the mouth of the Arroio Sao Miguel (Arroyo San Miguel) in Laguna Merin (Lagoa Mirim) and the headwaters of the Arroio da Mina is determined by the treaty of October 30, 1909. On May 7, 1913, the boundary in the Arroio Sao Miguel was modified by a convention signed in Rio de Janeiro.

Between 1920 and 1935, the land segments of the Brazil - Uruguay boundary were demarcated by pillars. On December 20, 1933, a convention was signed in Montevideo with respect to the legal status of the boundary.

Subject to various fluctuations, the mouth of the Arroyo Chuy was established officially by an exchange of notes between Brazil and Uruguay on July 21, 1972.

III. ALIGNMENT

The mouth of the Arroyo Chuy on the Atlantic Ocean as established officially by an exchange of notes between Brazil and Uruguay on July 21, 1972, is as follows:

The location of the mouth of Chuy Stream shall be fixed at the point defined by the intersection of the line running from the present Chuy light in a direction nearly perpendicular to the general line of the coast, on the same bearing as the maritime lateral boundary (specified below), with the Atlantic Ocean. The maritime lateral boundary between the two countries shall be defined by the rhumb line which, starting from the above-established point, shall run on a bearing of 128 sexagesimal degrees (counting from true north) to the outside limit of the territorial sea of both countries. The extension of that rhumb line running inland passes by the Chuy light. Both of the Commission Heads also state that the principal marker No. 1 (reference marker), erected by the Joint Boundary Commission in 1853 near the left bank of Chuy Stream and on firm ground for better protection from the water, will be maintained in its original position, and that at the opportune time the necessary works to ensure that Chuy Stream will have its normal outlet at the above-established point will be undertaken.

Inland from the mouth of the Arroyo Chuy, the protocol of April 22, 1853, agreed that the boundary of the treaty of May 15, 1852, "should be understood to run from the mouth of the Chuy at the ocean up the Chuy to its main defile, thence by a straight line, to the main defile of the San Miguel stream."

The boundary in the Arroio Sao Miguel is determined by the convention of May 7, 1913, as follows:

¹ Gordon Ireland, Boundaries, Possessions, and Conflicts in South America (Cambridge, Massachusetts: Harvard University Press, 1938), Footnote, p. 134; Annexo ao Relatorio do Min. das Rel. Ext. (Rio de Janeiro, 1900), Parte II, p. 276. Approved by Brazil, May 5, 1853; approved by Uruguay, April 30, 1853.

Art. I. The frontier between the Oriental Republic of the Uruguay and the Republic of the United States of Brazil, from the general passage of the San Miguel Rivulet as far as the point where it flows into the Marin Lagoon, shall be formed by the line of middle distance between the banks of the said rivulet...

The alignment of the boundary between the mouth of the Arroio Sao Miguel in Laguna Merin and the headwaters of the Arroio da Mina was established by Articles III and IV of the treaty of October 30, 1909.

III. Starting at the mouth of the stream San Miguel, where the Fourth Large Mark is situated, placed there by the Mixed Demarcation Commission of 1853, the new frontier shall traverse longitudinally Lake Merim, as far as the Punta de Rabotieso, on the Uruguayan shore, by means of a broken line, defined by as many straight lines as may be necessary to maintain the average distance between the principal points of the two shores, or, if the depth be insufficient, by as many straight lines as may be necessary to keep it in the principal channel of the said lake.

From the above-mentioned Punta de Rabotieso, the dividing line shall be diverted in a north-westerly direction in such manner as may be necessary for its passage between the islands named Tacuari, leaving on the Brazilian side the most easterly island and the two islets adjoining it; and from thence it shall be extended, in the region of Punta Parobe, also situated on the Uruguayan shore, to the deepest channel, continuing by that channel until it reaches a point opposite Punta Muniz, on the Uruguayan shore, and Punta de los Latinos, or de Fanfa, on the Brazilian shore.

From that point passing between the Punta Muniz and the Brazilian island and Juncal, it shall be extended to the mouth of the Yaguaron, in which are situated the Fifth Large Mark of 1853, on the left or Brazilian shore, and the Sixth Intermediate Mark, on the right or Uruguayan shore.

IV. From the mouth of the Yaguaron the frontier shall follow the thalweg of that river to the confluence of the stream Lagoons on the left bank.

From that point up stream the dividing line shall run at mid-distance from the banks of the Yaguaron, then at mid-distance from those of the Yaguaron, Chico, or Guaviyu, at the confluence of which is the Sixth Large Mark of 1853, and finally it shall ascend the bed of the stream of the Mina indicated by the Seventh and Eighth Intermediate Marks.

In accordance with the treaty of October 12, 1851, the boundary continues westward from the headwaters of the Arroio da Mina as follows:

...a straight line shall be drawn that shall cross the Rio Negro in front of the mouth of the River San Luis, and the boundary-line shall be continued up the said river until it

arrives at the heights of Santa Anna; it then follows this ridge of heights and comes to that called the ridge of Haedo, as far as the point where the branch of the Quareim, called the Invernada River,² in the map of the Viscount of San Leopold, but which is without a name on the map of Colonel Reyes, commences, and descends by the said branch until it enters the Uruguay; the island or islands that are found in the embouchure of the said River Quareim into the Uruguay, belonging to Brazil.³

IV. PRESENT SITUATION

The boundary disputes relative to the Arroyo de la Invernada and Brasileira Island result from different interpretations of the Brazilian - Uruguayan boundary treaty of October 12, 1851.

The Arroyo de la Invernada dispute concerns the identity and location of the arroyo of this name forming the boundary as delimited in the 1851 treaty. In accordance with the treaty, the boundary in this sector follows the Cuchilla Negra (Haedo) to the headwaters of the Arroyo de la Invernada and thence along the arroyo to the Rio Cuareim.⁴

Uruguay claims that the boundary follows the more easterly and Brazil the more westerly of two arroyos. The area between the arroyos, including the Rincon de Artigos (Rincao de Artigos), is in dispute. In the disputed area, the names and alignments of other arroyos also vary greatly between Uruguayan and Brazilian maps.

Uruguayan maps commonly show the Arroyo de la Invernada with headwaters near boundary pillar No. 46-I. Joined by various secondary arroyos from the south, the Arroyo de la Invernada flows northwestward to its confluence with the Rio Cuareim. Brazilian maps show that Arroio Espinilho extending northwestward from B.P. No. 46-I to the Arroio Jeremito, which in turn enters the Rio Quarai.

Despite instructions to identify the arroyo of the 1851 treaty, a boundary commission in 1852 was unable to resolve the dispute. Although the boundary never was approved by their respective governments, commissioners meeting at Santana do Libramento in April 1856 decided that it should follow the Arroyo de los Carraguatas and the Arroyo Maneco. Ultimately, boundary pillars were erected along the Cuchilla de Santa Ana and the Cuchilla Negra.

Brazilian maps commonly show the Arroio Invernada with headwaters near B.P. No. 49-I. It extends northward, joined by secondary arroyos from the southeast. From the confluence of the Arroio Invernada and the Arroio Jeremito, the stream is known as the Rio

² Different streams are identified by Brazil and Uruguay as the Arroyo de la Invernada, leaving a disputed area between them.

³ The sovereignty of Brasileira Island at the confluence of the Uruguay and the Rio Cuareim is in dispute between Brazil and Uruguay.

⁴ The upper Rio Quarai is named the Arroio Jeremito on some Brazilian maps.

Quarai. Uruguayan maps show the Arroyo de los Caraguatas with headwaters near B.P. No. 49-I. This arroyo flows northward to the Arroyo Maneco, which in turn joins the Arroyo de la Invernada.

Located at the confluence of the Rio Cuareim (Rio Quarai) and the Uruguay river, Brasilera Island is claimed by both Brazil and Uruguay. Because of this dispute, the tripoint with Argentina has an indefinite location. The 1851 treaty states that the island or islands in the Rio Quarai at its embouchure into the Uruguay belong to Brazil, but Uruguay claims that Brasilera Island is in the Uruguay river and does not belong to Brazil. In an Argentine - Uruguayan treaty signed on April 7, 1961, the Government of Uruguay made the following reservation on the sovereignty of Brasilera Island:

In the Act of signing, as Plenipotentiary of 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 Rodriguez 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 Brasilera" 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.

Available information indicates that there are no negotiations in progress at the present time between Brazil and Uruguay to resolve the Arroyo de la Invernada and Brasilera Island disputes.

DOCUMENTATION

1. Cedula Erecting the Viceroyalty of Buenos Aires. Signed at San Ildefonso, August 1, 1776. Argentina, Tratados (1911 - 1912), 11:173 – 174 (Spanish).
2. Convention Concerning the Cession to Brazil of Territory on the Boundary. Signed at Montevideo, January 15 and 30, 1819. Ratified by Portugal, November 26, 1819, and by Uruguay, October 17, 1820. Calvo, Anales Historicos, 5:21 - 27 (Spanish).
3. Treaty Incorporating the State of Montevideo into the United Kingdom of Portugal, Brazil, and Algarves under the name of Cisplatine Province [etc.]. Signed at Montevideo, July 31, 1821. Pereira Pinto, 1:273 - 279 (Spanish).
4. Treaty of Limits between Brazil and the Oriental Republic of the Uruguay. Signed at Rio de Janeiro, October 12, 1851. British and Foreign State Papers (BFSP), Vol. 40 (1850 - 1851), pp. 1151 - 1154.
5. Supplementary Treaty of Limits between Brazil and the Oriental Republic of the Uruguay. Signed at Montevideo, May 15, 1852. BFSP, Vol. 42 (1852 - 1853), pp. 1265 - 1267.
6. Treaty between Brazil and Uruguay Modifying their Frontiers on Lake Merim and the River Yaguaron, and Establishing General Principles of Trade and Navigation in those Regions. Signed at Rio de Janeiro, October 30, 1909. BFSP, Vol. 102 (1908 - 1909), pp. 204 - 207.
7. Convention between the United States of Brazil and the Oriental Republic of the Uruguay for the Modification of the Boundary between the Two States at the San Miguel Rivulet. Signed at Rio de Janeiro, May 7, 1913. BFSP, Vol. 107 (1914 Part 1), pp. 610 - 611.
8. Convention Regarding the Determination of the Legal Status of the Frontier between Brazil and Uruguay. Signed at Montevideo, December 20, 1933. League of Nations Treaty Series, Vol. 181, Treaty No. 4178, pp. 69 - 89.

This International Boundary Study is one of a series of specific boundary papers prepared by the Office of the Geographer, Bureau of Intelligence and Research, Department of State, in accordance with provisions of the Office of Management and Budget Circular No. A-16.

Government agencies may obtain additional information and copies of the study from the Office of the Geographer, Room 8742, Department of State, Washington, D.C. 20520 (Telephone: 632-2021 or 632-2022).