

Translation¹

No. 4178- Convention Regarding the Determination of the Legal Status of the Frontier Between Brazil and Uruguay. Signed at Montevideo, December 20th, 1933

THE HEAD OF THE PROVISIONAL GOVERNMENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL and THE PRESIDENT OF THE ORIENTAL REPUBLIC OF URUGUAY, being desirous of obviating any causes of misunderstanding on the common frontier and of fostering as far as possible the good neighborly relations existing between the two countries, have resolved to conclude a Convention for determining the legal status of that frontier and have for this purpose appointed as their respective Plenipotentiaries:

THE HEAD OF THE PROVISIONAL GOVERNMENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL:

Dr. Afranio DE MELLO FRANCO, Minister of State for Foreign Affairs

THE PRESIDENT OF THE ORIENTAL REPUBLIC OF URUGUAY:

Dr. Alberto MAÑÉ, Minister for Foreign Affairs

Who, having produced their full powers, found in good and due form, have agreed on the Following Articles :

Article I.

The contracting States undertake to keep in repair the highways and other roads which cross or run along the common frontier, and also the works situated on such highways and roads, to maintain them, in accordance with traffic requirements, and to improve them whenever the two Governments consider it expedient to do so.

Article II.

For the purposes of the previous Article, a highway or other road shall be deemed to run along the frontier when its axis is not more than three kilometres distant from the boundary line.

Article III.

The responsibility for the upkeep or improvement of highways or other roads the median line of which, as in the case of the present international corridor, sometimes coincides with the frontier and at other times enters the territory of one or other of the two States, shall be assumed by both States in respect of those parts thereof which coincide with or intersect the frontier. Work thereon may be carried out by the Government which has taken the initiative, but only after it Come to an agreement with the other Government and the estimate for the

¹ Translated by the Secretariat of the League of Nations, for infromaiton.

work to be carried out has been approved by both Governments. The cost of such work shall be defrayed by the two Governments proportionately to the area of the territory affected thereby.

Article IV.

Traffic and the police and Customs services on highways, other roads and bridges on the frontier shall be regulated by special agreements between the two Government.

Article V.

The legal regime of the frontier railway system shall continue to be governed by the Special Convention of May 15th 1913, the provisions of which shall be applied to any other railways that may in future connect places in Brazilian territory with places in Uruguayan territory.

Article VI.

The whole width of highways or other roads coinciding with the frontier may be used by persons coming from either of the two States, without its being necessary for them to have passports or passes.

Article VII.

The officials of either State responsibility for the public security, frontier supervision, Customs, postal, telegraph, telephone and public health services may, when passing through the so-called International corridor and on the portions of highways or other roads coinciding with the frontier, wear their respective uniforms and carry such arms are prescribed in the relevant regulations.

Article VIII.

The agents of the authorities of both States may perform the acts required for the proper discharge of their duties over the whole width of the international corridor or of portions of highways or other roads coinciding with the frontier, and shall lend each other assistance. When such acts are directed against nationals of the other State, the said agents shall, as far as possible, act in agreement with the authorities of the latter.

Article IX.

Except in urban and suburban zone, owners must place wire-netting in front of their properties, parallel to the straight segments constituting the boundary line between the principal boundary mark No.11 and the intermediate mark No.49, at a distance of 22 metres on either side of the said boundary line.

Article X.

The international corridor, which shall be finally established in the manner specified in the previous Article, shall be subject to the same legal regime as the other frontier highways or roads. The portions of the international corridor which at present diverge from the boundary line may be made narrower if traffic requirements permit.

Article XI.

In future, no building may be erected within the strip of territory 44 metres in width referred to in Article IX.

On other portions of the frontier, no building shall be erected or re-erected at a distance of less than ten metres from the boundary line.

Article XII.

No highways, roads, bridges or any other means of crossing the frontier shall be constructed Except by agreement between the competent authorities of the two States and in accordance with Article II of the Delimitation Convention signed on December 27th, 1916.

Article XIII.

The stone and sand required for the construction and improvement of the highways and other works mentioned above may be taken from the international corridor, according to the requirements of the service, provided this does not harmfully affect its state of preservation. Both States shall grant all possible facilities for transport within the frontier zones of the material to be used for such construction or improvement.

Article XIV.

The authorities of the two States responsible for the work referred to above may communicate with each other on the matter directly and in writing,

Article XV.

The competent authorities of the two States shall take severe measures against persons damaging boundary marks or geodesic signs, and shall apply to them the relevant penal provisions.

Article XVI.

The owner of any land on which a geodesic sign made of stone or concrete is situated shall be responsible for the upkeep thereof.

Article XVII.

Every ten years, after previous agreement between the two States, delegates appointed by each State shall jointly carry out a general inspection of the frontier for the purposes specified in the following Article. The first inspection shall take place in 1940.

Article XVIII.

It shall be the duty of the joint inspection commission to examine the state of all marks, Beacons, buoys, and other frontier signs; to take the necessary steps to remedy any omissions that may be discovered ; to give instructions for any painting, plastering, reconditioning and other repairs that may be necessary for the Upkeep of the said signs, and also for the replacement of any boundary marks that may have been removed. It shall also be the duty of the said commission to verify any shifting of the beds of watercourses running along the frontier and, if necessary, to have the plans or maps of the frontier corrected.

Article XIX.

Each of the two States shall be entitled to dispose of half the water flowing in the frontier watercourses.

Article XX.

When there is possibility that the installation of plant for the utilization of the water may cause an appreciable and permanent alteration in the rate of flow of a watercourse running along or intersecting the frontier, the contracting State desirous of such utilization shall not carry out the work necessary therefore until it has come to an agreement with the other State.

Article XXI.

Each of the contracting States shall be responsible for the water police service in its own territory, subject to the limitations specified in the various frontier regimes in force, in accordance with the international instruments applicable thereto. Should the regime adopted be that of the bed or of the joint ownership of the water, the jurisdiction of each riparian State shall extend as far as the opposite bank, but shall not include the land skirting the watercourse.

Article XXII.

Fishing rights shall be exercised by the nationals of each State in the waters within their Respective jurisdictions.

Article XXIII.

Officials who, under the present Convention, are in charge of work for the upkeep and improvement of the common frontier may, in so far as their activities require it, move freely along the said frontier and cross it at any point.

Article XXIV.

Should either of the two States consider it necessary to *occupy* any triangulation vertices situated in the territory of the other State, in order to carry out work of verification or other similar operations, it shall inform the other State thereof and, after obtaining its consent, shall carry out the operations it desires to perform in the presence of an agent of the Government of the State in whose territory the vertex in question is situated.

Article XXV.

The present Convention shall come into force thirty days after the exchange of the ratification thereof. It shall remain in force for an indeterminate period and may not be terminated or modified except after notice given by one of the High Contracting Parties to the other at least one year in advance.

Article XXVI.

The exchange of the ratifications of the present Convention shall take place in the city of Rio Janeiro as soon as possible.

In faith whereof the above-named Plenipotentiaries have signed the present Convention in duplicate, each in the Portuguese and Spanish languages, and have thereto affixed their seals, in the city of Montevideo the twentieth day of December, one thousand nine hundred and thirty-three.

(*L. S.*) A. DE MELLO FRANCO.

(*L. S.*) Alberto. MAÑÉ

ADDITIONAL PROTOCOL TO THE CONVENTION

REGARDING THE DETERMINATION OF THE LEGAL STATUS OF THE FRONTIER
BETWEEN BRAZIL AND URUGUAY.

After signing the Convention regarding the determination of the legal status of the frontier between Brazil and Uruguay, the Plenipotentiaries, His Excellency Dr. Afranio de Mello Franco for Brazil, and His Excellency Dr. Alberto MAÑÉ, for Uruguay, have agreed to draw up the following Additional Protocol to the said Convention, the sole Article of which shall have the same force and validity as the Articles of the Convention.

Sole Article.

In amplification of Article XX of the above-mentioned Convention signed this day, it is understood that the previous assent of Brazil has been given in respect of work for the utilisation of the Rio Negro which the Government of Uruguay may carry out, in accordance either with the Present or with other plans.

In faith whereof the above-named Plenipotentiaries have signed the present Additional Protocol, which shall come into force at the same time as the above-mentioned Convention.

Done in duplicate, in the Portuguese and Spanish languages, at Montevideo, the twentieth day of December, one thousand nine hundred and thirty-three.

(L. S.) A. DE MELLO FRANCO.

(L. S.) Alberto MAÑÉ