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**BRAZIL
and
BOLIVIA**

Treaty of commerce and river navigation. Signed at Rio de Janeiro on 12 August 1910

Authentic texts: Portuguese and Spanish.

Filed and recorded at the request of Brazil on 31 August 1973.

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et
BOLIVIE**

Traité de commerce et de navigation fluviale. Signé à Rio de Janeiro le 12 août 1910

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Classé et inscrit au répertoire à la demande du Brésil le 31 août 1973.

[TRANSLATION — TRADUCTION]

TREATY¹ OF COMMERCE AND RIVER NAVIGATION BETWEEN THE UNITED STATES OF BRAZIL AND BOLIVIA

The Republic of the United States of Brazil and the Republic of Bolivia, always desirous of strengthening still further ties of friendship and facilitating the development of trade between them, have agreed to conclude a Treaty of commerce and river navigation in implementation of the provisions of articles V and VI of the Treaty of Petrópolis of 17 November 1903,²

And have, for that purpose, appointed as their Plenipotentiaries:

The President of the United States of Brazil: Dr. José Maria da Silva Paranhos do Rio-Branco, Minister of State for Foreign Affairs, and Dr. Leopoldo de Bulhões, Minister of State in the Ministry of Finance; and

The President of the Republic of Bolivia: Dr. Claudio Pinilla, Envoy Extraordinary and Minister Plenipotentiary to Brazil;

Who, having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article 1. The United States of Brazil and the Republic of Bolivia, persevering in their sincere desire to provide all possible facilities and guarantees in connexion with the principle of the broadest freedom of land and river transit for each of the two nations in the territory of the other, which right of free transit the High Contracting Parties have recognized in perpetuity in article V of the Treaty of 17 November 1903, agree to exempt from any and all national, State and municipal taxes the transit of persons, luggage and goods, subject to the administrative and police regulations currently in force or to be enacted, provided that such regulations are not contrary to the scope of the freedom of transit which the Parties have reciprocally recognized.

Article 2. Pursuant to the principle laid down in the aforementioned article V of the Treaty of 17 November 1903, merchant vessels of all nations may navigate freely not only on the Paraguay River between the Brazilian-Bolivian frontier to the South of Coimbra and the Brazilian port of Corumbá, as is currently permitted, but also on the Tamengo canal and the Cáceres lagoon between Corumbá and the Bolivian port of Guachalla, situated on the same lagoon.

Article 3. By virtue of the same principle, Brazilian and Bolivian vessels may navigate freely on the rivers, lakes and canals recognized as common by Brazil and Bolivia in the aforementioned Treaty of 17 November 1903; Bolivian vessels may also freely enter and leave Bolivian ports by the rivers which are in the exclusive domain of Brazil.

Article 4. When exercising the right specified in the preceding articles, Bolivian merchant vessels shall enjoy freedom of transit through the Brazilian waters of the Paraguay River from Corumbá to the Mandioré, Gaíba and Uberabalogo lagoons as soon as Bolivia, upon six months' advance notice, establishes customs posts on any of those

¹ Came into force on 29 July 1911 by the exchange of the instruments of ratification, which took place at La Paz, in accordance with articles 39 and 40.

² See p. 237 of this volume.

lagoons; a corresponding number of Brazilian administrative posts shall be established immediately thereafter.

Article 5. The freedom of navigation stipulated in this Treaty and in the Treaty of 17 November 1903 shall not include coasting trade or navigation from port to port in the same country, such trade remaining subject to the respective laws in each of the States.

Article 6. Brazilian and Bolivian vessels shall remain subject to the administrative and police regulations established or to be established by each of the two Republics within their territorial boundaries.

Those regulations shall be as favourable as possible to commerce and navigation and shall be as uniform as possible in the two countries.

Article 7. In Brazilian ports, vessels shall be deemed to be Bolivian, and in Bolivian ports, vessels shall be deemed to be Brazilian, if they are owned and manned pursuant to the legislation of the country to which they belong.

Article 8. No taxes whatsoever shall be levied on goods in transit to or from Bolivia aboard vessels of any nationality on the Amazon, Madeira and Paraguay rivers or on goods in transit aboard Brazilian or Bolivian vessels on the other rivers referred to in this Treaty, even if such goods have to be transshipped from one vessel to another in the ports of entry in the two countries or transported to intermediate ports or river and land warehouses to await another vessel.

In the latter case, labour and storage charges shall be levied in accordance with the legislation of each country.

Article 9. Packages containing goods in transit shall not be opened by the customs authorities at intermediate ports.

Article 10. No charges shall be levied on transit clearance documents for stored goods; however, stamped paper or stamps may be used.

Article 11. Instead of the buoy and beacon dues formerly levied to assist navigation, Brazil and Bolivia shall, in their river ports, levy only tonnage dues on the total capacity of the vessel.

Such tonnage dues shall be levied only on vessels which unload or load in those ports, with the exceptions of vessels which do so for reasons of *force majeure*.

Article 12. The maximum tonnage dues shall be as follows:

- 16 milreis in Brazil and 12 bolivianos, 50 centavos, in Bolivia for vessels between 30 and 150 tons;
- 32 milreis in Brazil and 25 bolivianos in Bolivia for vessels between 150 and 200 tons;
- 48 milreis in Brazil and 37 bolivianos, 50 centavos, in Bolivia for vessels between 200 and 400 tons;
- 64 milreis in Brazil and 50 bolivianos in Bolivia for vessels between 400 and 700 tons; and
- 80 milreis in Brazil and 62 bolivianos, 50 centavos, in Bolivia for vessels over 700 tons.

Article 13. The following shall be exempt from the payment of tonnage dues:

- I. Warships and military transport vessels, provided that they are not used to transport goods;
- II. Merchant vessels with a capacity of less than 30 tons;
- III. Vessels on official or purely scientific journeys and pleasure craft;
- IV. Vessels which put into port owing to *force majeure*, provided that they leave with the same transit cargo or that the said cargo has been transhipped and continues to its destination.

Article 14. With the exception of the labour and storage charges mentioned in article 8 and the taxes on stamped paper or stamps referred to in article 10, no dues whatsoever, of any denomination or for any purpose, shall be levied, either directly or indirectly, on river or land transit.

Article 15. Goods shall not be nationalized. Accordingly, the relevant duties shall be paid in both countries on goods coming from abroad which are exported from Brazil to Bolivia or from Bolivia to Brazil.

Article 16. I. Bolivian warships and military transport vessels may navigate freely:

In Mato Grosso: in the Brazilian waters of the Cáceres, Mandioré, Gaiba and Uberaba lagoons; on the canals between these lagoons and the right bank of the Paraguay river; on the Pedro II canal, or the Pando river, between the Gaiba and Uberaba lagoons; and on the Paraguay river from the Brazilian frontier with the Republic of Paraguay, at the confluence of the Apa, to the Uberaba lagoon;

In the Amazon river basin: along the entire length of the Brazilian sector of this major river and its affluents open to foreign navigation, as well as on the Purus river, from their confluence to the confluence of the Purus with the Acre and along the entire length of the Acre river and the Baía stream.

II. Brazilian warships and military transport vessels may navigate freely in the Bolivian waters of the Bahía Negra and of the Cáceres, Mandioré, Gaiba and Uberaba lagoons, and on the Pedro II canal, or Pando river.

III. Whenever one of the High Contracting Parties wishes to maintain launches or other armed warships in the navigable frontier rivers, namely, the Verde, Guaporé, Mamoré, Abunã, Rapiirã, and upper Acre rivers and the Baía stream, or to send armed warships to visit those rivers, it shall inform the other Party in writing, giving precise information on the number and strength of such vessels.

IV. The two High Contracting Parties reserve the right to agree to limit the number of warships which may navigate in the waters under their respective jurisdiction.

V. Warships and military transport vessels which temporarily receive or carry articles for commercial use shall remain subject to the administrative and police regulations of the transit country.

Article 17. Brazil and Bolivia shall enjoy the other rights and exemptions with respect to commerce and river navigation which each of them has recognized or granted or may recognize or grant to the other States which are or may be considered riparian States of the Amazon and its affluents and of the Paraguay and its tributaries.