LEAGUE OF NATIONS.


DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

Communication from the President of the Peace Conference at Buenos Aires.

Translation from the Spanish


To the Secretary-General.

Sir,

I have the honour to send you herewith two certified copies of the Treaty of Peace, Friendship, and Boundaries, signed at Buenos Aires on July 21st last by the Ministers for Foreign Affairs of Bolivia and Paraguay.

I have the honour to be, etc.

(Signed) José Maria Cantilo,
President.
Treaty of Peace, Friendship, and Boundaries between the Republics of Bolivia and Paraguay.

The Republics of Bolivia and Paraguay (Paraguay and Bolivia) being desirous of finally consolidating peace and putting an end to the disputes which gave rise to the armed conflict of the Chaco; wishing to prevent future disagreements; bearing in mind that between the States which form the American community there are fraternal historical links which should not be broken by disputes or events which must be considered and solved in a spirit of mutual understanding and goodwill; in execution of the undertaking to draw up a final peace which the two Republics assumed in the Peace Protocol of June 12th, 1935, and in the Protocollarary Act of January 21st, 1936; represented:

The Republic of Bolivia by H.E. Dr. Eduardo Díaz de Medina, Minister for Foreign Affairs, and H.E. Dr. Enrique Finot, Chairman of the Delegation of that country's at the Peace Conference,

And the Republic of Paraguay by H.E. Dr. Cecilio Baez, Minister for Foreign Affairs, H.E. General José Felix Estigarribia, President of that country's Delegation to the Peace Conference, and Their Excellencies Drs. Luis A. Riart and Efraín Cardozo, delegates,

Present at Buenos Aires and duly authorised by their Governments, have agreed to sign, under the auspices and moral guarantee of the six mediating Governments, the following final Treaty of Peace, Friendship, and Boundaries:

Article 1. Peace is hereby restored between the Republics of Paraguay and Bolivia (Bolivia and Paraguay).
Article 2. The line of division in the Chaco between Bolivia and Paraguay (Paraguay and Bolivia) shall be determined by the Presidents of the Argentine Republic, Brazil, Chile, the United States of America, Peru, and Uruguay, in their capacity of equitable arbitrators, who, acting ex aequo et bine, shall pronounce their arbitral decision in agreement with the present and the following clauses:

(a) The arbitral award shall fix the north dividing-line in the Chaco in the zone between the Peace Conference line proposed on May 27th, 1938, and the line of the Paraguayan counter-proposal submitted to the consideration of the Peace Conference on June 24th, 1938, from the longitude of Fort November 27th, i.e., approximately longitude 61° 55' west of Greenwich, to the eastern boundary of the zone, with the exception of the banks of the River Paraguay south of the confluence of the River Otuquis or Negro;

(b) The arbitral award shall also fix the western dividing-line in the Chaco between the River Pilcomayo and the intersection of the longitude of Fort November 27th, i.e., approximately longitude 61° 55' west of Greenwich, with the line fixed by the award for the north side referred to in the previous paragraph;

(c) The said line shall not follow the River Pilcomayo eastward of Pozobondo or westward of any point on the intermediate line starting from D'Orbigny, which was drawn by the Neutral Military Commission between the extreme positions reached by the belligerent armies when hostilities ceased on June 14th, 1935.

Article 3. The arbitrators shall take their
decision after hearing the Parties, and according to the best of their judgment and ability, taking into account the experience acquired by the Peace Conference and the opinions expressed by the military advisers of that Conference.

The Presidents of the Republics mentioned in Article 2 shall be entitled to give their award direct or through plenipotentiaries.

**Article 4.** The Arbitral Award shall be given by the arbitrators within a maximum period of two months after the ratification of the present Treaty within the time-limits and according to the procedure stipulated in Article 11.
Article 5.

As soon as the award has been given and notified to the parties, the latter shall immediately appoint a joint commission consisting of five members, two of them appointed by each party and the fifth by common agreement between the six mediating Governments, for the purpose of demarcating on the spot the dividing-line fixed by the arbitral award, and of placing boundary-marks.

Article 6.

Within thirty days of the pronouncement of the award, the Governments of Paraguay and Bolivia (Bolivia and Paraguay) shall accredit their respective diplomatic representatives at La Paz and Asunción (Asunción and La Paz), and within ninety days they shall carry out the principal stipulations of the award under the supervision of the Peace Conference, to which the parties recognize the right to settle finally any practical questions which may arise in this connection.

Article 7.

The Republic of Paraguay guarantees the fullest freedom of transit through its territory, and especially through the zone of Puerto Casado, for merchandise arriving from abroad for Bolivia and for products leaving Bolivia for shipment abroad through the said zone of Puerto Casado. Bolivia shall be entitled to establish Customs offices and to construct depots and warehouses in the zone of the said port.

Regulations for the application of this Article shall be contained in a commercial convention to be concluded later between the Governments of the two Republics.
Article 8.

As soon as the arbitral award has been carried out by the fixing of the line on the spot and the placing of boundary-marks, the Governments of Bolivia and Paraguay (Paraguay and Bolivia) shall negotiate direct with each other such other economic and commercial conventions as they may deem desirable for the development of their mutual interests.

Article 9.

The Republics of Paraguay and Bolivia (Bolivia and Paraguay) mutually renounce all claims and actions arising out of war responsibilities.

Article 10.

The Republics of Bolivia and Paraguay (Paraguay and Bolivia), renewing the Agreement of Non-Aggression stipulated in the Protocol of June 12th, 1935, solemnly pledge themselves not to make war on one another, nor to employ force directly or indirectly as a means for the solution of any present or future dispute.

If, in eventuality, they should be unable to settle them by direct diplomatic negotiations, they pledge themselves here and now forthwith to have recourse to the procedures of conciliation and arbitration offered by international law, and especially by the American Conventions and Pacts.

Article 11.

The present Treaty shall be ratified by a national plebiscite in Paraguay and by the National Constituent Convention of Bolivia; in both cases, ratification must take place within a period of twenty days from the date of the signature of this Treaty. The exchange of ratifications
shall take place as soon as possible before the Peace
Conference.

Article 12.

The parties declare that, should the ratification
referred to in previous Article not be secured, the
text and contents of this Treaty cannot be invoked in
support of allegations or as evidence in subsequent
cases or proceedings of arbitration or international justice.

In faith whereof the representatives of Bolivia and
Paraguay (Paraguay and Bolivia), conjointly with the
plenipotentiary delegates representing the mediating
countries at the Peace Conference, have signed and sealed
the present Treaty in three copies at Buenos Aires on
the twenty-first day of July 1938.

(For signatures see Spanish or French text).

Names to be put in the document.