

BOLIVIA-PARAGUAY

TREATY OF PEACE, FRIENDSHIP AND BOUNDARIES¹

*Signed at Buenos Aires, July 21, 1938; ratifications exchanged Aug. 29, 1938*²

The Republics of Bolivia and Paraguay with the intention of consolidating peace definitively and to put an end to the differences which gave rise to the armed conflict of the Chaco; inspired by the desire to prevent future disagreements; keeping in mind that between states forming the American community there exist historical brotherly bonds which must not disappear by divergencies or events which must be considered and solved in a spirit of reciprocal understanding and good will; in execution of the undertaking to concert the definitive peace which both republics assumed in the Peace Protocol of June 12, 1935, and in the Protocolized Act of January 21, 1936; represented:

The Republic of Bolivia by His Excellency Dr. Eduardo Diez de Medina, Minister for Foreign Affairs, and His Excellency Dr. Enrique Finot, President of the delegation of that country to the Peace Conference;

And the Republic of Paraguay by His Excellency Dr. Cecilio Baez, Minister for Foreign Affairs; His Excellency General José Felix Estigarribia, President of the delegation of that country to the Peace Conference, and the delegates their Excellencies Doctors Luis A. Riart and Efraim Cardozo;

Present in Buenos Aires and duly authorized by their Governments have agreed to concert under the auspices and moral guarantee of the six mediatory governments, the following definitive treaty of peace, friendship and boundaries.

ARTICLE ONE. Peace between the Republics of Paraguay and Bolivia is reestablished.

ARTICLE TWO. The dividing line in the Chaco between Bolivia and Paraguay will be that determined by the Presidents of the Republics of Argentina, Chile, United States of America, United States of Brazil, Peru and Uruguay in their capacity as arbitrators in equity, who acting *ex aequo et bono* will give their arbitral award in accordance with this and the following clauses.

A. The arbitral award will fix the northern dividing line in the Chaco in the zone comprised between the line of the Peace Conference presented May 27, 1938, and the line of the Paraguayan counter-proposal presented to the consideration of the Peace Conference June 24, 1938, from the meridian of Fort 27th of November, *i.e.*, approximately meridian 61° 55' west of Greenwich, to the eastern limit of the zone, excluding the littoral on the Paraguay River south of the mouth of the River Otuquis or Negro.

B. The arbitral award will likewise fix the western dividing line in the Chaco between the Pilcomayo River and the intersection of the meridian of

¹ Department of State Press Release, No. 351, July 21, 1938.

² *Ibid.*, No. 407, Aug. 30, 1938.

Fort 27th of November, *i.e.*, approximately 61° 55' west of Greenwich, with the line of the award in the north referred to in the previous paragraph.

C. The said line will not go on the Pilcomayo River more to the east than Pozo Hondo, nor to the west farther than any point on the line which, starting from D'Orbigny, was fixed by the Neutral Military Commission as intermediary between the maximum positions reached by the belligerent armies at the suspension of fire on June 14, 1935.

ARTICLE THREE. The arbitrators will pronounce, having heard the parties and according to their loyal knowledge and understanding taking into consideration the experience accumulated by the Peace Conference and the advice of the Military Advisers to that organization.

The six Presidents of the Republics mentioned in Article Two have the faculty of giving the award directly or by means of plenipotentiary delegates.

ARTICLE FOUR. The arbitral award will be given by the arbitrators within a maximum of two months counting from the ratification of the present treaty, obtained in the way and form stipulated in Article Eleven.

ARTICLE FIVE. The award being given and the parties notified, these will immediately name a mixed commission composed of five members, two named by each party, and the fifth designated by common agreement of the six mediatory governments, in order to apply on the ground and set the bournes of the dividing line given by the arbitral award.

ARTICLE SIX. Within thirty days after the award, the Governments of Bolivia and Paraguay will proceed to accredit their respective diplomatic representatives in Asunción and La Paz and within ninety days will fulfill the award in its principal aspects, under the vigilance of the Peace Conference, to whom the parties recognize the faculty of resolving definitely the practical questions which may arise in this connection.

ARTICLE SEVEN. The Republic of Paraguay guarantees the amplest free transit through its territory and especially through the zone of Puerto Casado, of merchandise arriving from abroad destined to Bolivia and of the products which issue from Bolivia to be embarked for abroad through the said zone of Puerto Casado; with the right for Bolivia to install customs agencies and construct depots and stores in the zone of the said port.

The regulations of this article will be the object of a later commercial convention between both Republics.

ARTICLE EIGHT. The arbitral award having been executed through the application and setting of bournes of the dividing line, the Governments of Bolivia and Paraguay will negotiate directly, government to government, the other economic and commercial conventions they deem proper to develop their reciprocal interests.

ARTICLE NINE. The Republics of Bolivia and Paraguay reciprocally renounce all action and claim deriving from the responsibilities of the war.

ARTICLE TEN. The Republics of Bolivia and Paraguay, renewing the

non-aggression pact stipulated in the Protocol of June 12, 1935, solemnly obligate themselves not to make war on each other nor to use force, directly or indirectly, as a means of solution of any present or future difference.

If in any event these were not resolved by direct diplomatic negotiations, they obligate themselves to have recourse to the conciliatory and arbitral procedures offered by international law and especially the American conventions and pacts.

ARTICLE ELEVEN. The present treaty will be ratified by the National Constitutional Convention of Bolivia and by a national plebiscite in Paraguay; in both cases ratification must take place within twenty days counting from the date of signature of this treaty. Ratifications shall be exchanged in the briefest period possible in the Peace Conference.

ARTICLE TWELVE. The parties declare that in case ratification referred to in the preceding article were not obtained, the text and content of this treaty cannot be invoked to found upon them allegations nor proofs in future occasions or procedures of arbitration or international justice.

In faith of which the representatives of Bolivia and Paraguay, together with the plenipotentiary delegates representing the mediatory countries in the Peace Conference, sign and seal the present treaty in double copy at Buenos Aires on the twenty-first day of the month of July, Nineteen hundred and thirty-eight.

DENMARK-FINLAND-ICELAND-NORWAY-SWEDEN
DECLARATION REGARDING SIMILAR RULES OF NEUTRALITY¹

Signed at Stockholm, May 27, 1938

The Governments of Denmark, Finland, Iceland, Norway and Sweden,
Considering that it is highly desirable that the rules of neutrality applied by them in case of war between foreign Powers should be similar,

Have formulated, on the basis of the Declaration of December 21, 1912, between Denmark, Norway and Sweden, relative to the matter, the texts of rules of neutrality annexed hereto to be established by the said Governments, each as concerns itself,

And have agreed, in case that, as a result of its experiences, one of them should desire to modify the said rules, conforming to what is provided by the Convention Concerning the Rights and Duties of Neutral Powers in Naval War, signed at The Hague, October 18, 1907, it shall not proceed to such modification without having, if possible, previously notified the other four Governments in time to allow an exchange of views upon the matter.

In faith whereof the undersigned, duly authorized for this purpose by their

¹Translated from *Finlands Författningssamlings Fördragsserie Overenskommelser Med Främmande Makter*, 1938, No. 17, pp. 93-94.