

No. 11885

**BRAZIL
and
BOLIVIA**

Agreement on free transit. Signed at La Paz on 29 March 1958

Authentic texts : Portuguese and Spanish.

Registered by Brazil on 27 July 1972.

**BRÉSIL
et
BOLIVIE**

Accord de libre transit. Signé à La Paz le 29 mars 1958

Textes authentiques : portugais et espagnol.

Enregistré par le Brésil le 27 juillet 1972.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON FREE TRANSIT BETWEEN THE REPUBLIC OF THE UNITED STATES OF BRAZIL AND THE REPUBLIC OF BOLIVIA

The Governments of the United States of Brazil and the Republic of Bolivia, reaffirming once again 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 is recognized in perpetuity by the High Contracting Parties in article V of the Treaty of 17 November 1903,² regulated by the Treaty of Commerce and River Navigation of 12 August 1910;

Have resolved to conclude the present Agreement on free transit, and for this purpose have appointed as their Plenipotentiaries :

His Excellency Mr. Juscelino Kubitschek de Oliveira, President of the Republic of the United States of Brazil : His Excellency Mr. José Carlos de Macedo Soares, Minister of State for Foreign Affairs;

His Excellency Mr. Hernán Siles Zuazo, Constitutional President of the Republic of Bolivia : His Excellency Mr. Manuel Barrau Peláez, Minister of State in the Office of Foreign Affairs,

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

Article I

Free transit through the territories of the United States of Brazil and the Republic of Bolivia shall be accorded permanently and without restriction, at all times and in all circumstances, for every class of freight, without exception, whether originating in or coming from the territories of the High Contracting Parties or from the territory of third countries, including the transit of war material.

Sole paragraph. The transit of the above-mentioned freight shall be effected via the ports and routes opened to traffic by the High Contracting Parties and those that may be opened to traffic in the future.

Article II

Both Governments may maintain, in the ports, free zones or other places in which transit operations are carried out, customs agencies authorized to implement this Agreement.

¹ Came into force on 19 August 1969 by the exchange of the instruments of ratification, which took place at Rio de Janeiro, in accordance with article XX.

² *British and Foreign State Papers*, vol. 96, p. 383.

Paragraph 1. The clearance documents relating to imports and exports owned by the Governments of the High Contracting Parties must be issued by the respective customs agencies.

Paragraph 2. In the event of an impediment or absence, the officers of the customs agencies may delegate their powers to third persons, on their own responsibility, in the manner which the competent authorities of the Contracting Parties deem appropriate, and must advise the customs office of the other Party in writing of the delegation of powers in the port or place concerned.

Paragraph 3. The officials of the customs agencies shall enjoy, in the territory in which they operate, the full co-operation and protection of the customs offices and other authorities of that country so as to ensure the effective performance of their duties.

Paragraph 4. The officials of the customs agencies shall adopt whatever security measures may be necessary for the free transit of freight.

Article III

Freight in transit, other than that referred to in the first paragraph of the previous article, shall be cleared by customs brokers of Bolivian or Brazilian nationality, designated by the consigners of the goods, under the control of the customs agencies and the supervision of the national customs office of each country.

Article IV

Freight in transit from third countries shall be unloaded or stored in the ports, free zones or other areas in which transit operations are carried out, and the Governments of the High Contracting Parties undertake to make arrangements for their onward dispatch, without delay or interruption, to the country of destination. Both Governments likewise agree not to levy any taxes or duties on such transit or to subject it to formalities of any kind.

When freight originating in one country crosses the territory of the other to return to its country of origin, both Parties shall grant the same facilities as indicated in the foregoing articles.

Article V

The transit of freight consigned to Bolivia shall be governed by the following provisions :

Paragraph 1. The waybill of goods consigned to Bolivia shall be drawn up separately from the waybills of goods consigned to Brazil in order to facilitate reception. Packages containing freight in transit must, in addition to displaying marks, countermarks, numbers and gross weight, be clearly marked: "In transit to Bolivia" on the outside.

Paragraph 2. Once shipments have been received by the Brazilian customs office, the latter shall deliver to the Bolivian customs agency as many copies as it requires of the shipping manifest of the freight in transit to Bolivia.

Paragraph 3. Once shipments have been received by the Brazilian customs office, the officials of the Bolivian customs agency shall in every case arrange with the Brazilian authorities for permission to be given to go on board in order to witness the checking, delivery and unloading of the freight consigned to Bolivia and its transport to the wharf.

Paragraph 4. When freight in transit has been unloaded at the wharf, the officials of the Brazilian customs office and the Bolivian customs agency shall proceed to check the numbers, marks, countermarks and net weight of the packages in transit against the data in the documents in their possession and inspect them externally, making whatever notes and observations may be appropriate; the notes shall be signed by the inspecting officials. Packages in transit shall not be further inspected, except in the cases referred to in paragraph 6 of this article.

Paragraph 5. Once the operation referred to in the previous paragraph has been carried out, freight in transit shall be delivered by the Brazilian customs office to the officials of the Bolivian customs agency and shall thenceforth be under the exclusive jurisdiction, control and responsibility of the latter. A clearance certificate shall be issued listing the numbers, marks, countermarks and gross weight of the goods listed in the waybill and the goods shall then be free for onward dispatch to Bolivia. A copy of that document, duly endorsed by the officials of the Bolivian customs agency, shall be delivered to the Brazilian customs office for the provisional clearance of the shipping manifest. The freight shall be taken over by the officials of the Bolivian customs agency in accordance with the entries in the manifest and shall not be subject to further inspection other than an external check. At the same time, these officials shall check the information in the manifest and mark it correct or, as appropriate, indicate the discrepancies so that the necessary action may be taken.

Paragraph 6. If, when the transit freight is taken over, packages are found to be damaged or show signs of having been interfered with, the officials of the Bolivian customs agency and the Brazilian customs office shall, at the request of the interested parties or on their own initiative, take an inventory of the contents

of those packages in order to ascertain responsibility and, for that purpose, shall call on the agent of the carrier, the consigner or the customs broker representing him, the agent of the shipping company and the agent of the insurance company, as appropriate. To that end, the packages in question shall be warehoused in the Bolivian free zone and the above-mentioned inventory shall be taken there. Following the inventory, the packages in question shall again be closed, bound and sealed, and tagged "Inventoried", and shall thus be ready for onward dispatch to Bolivia. The inventory shall be made out in triplicate, and one copy shall remain inside the package, another with the Brazilian customs office and the third with the Bolivian customs agency.

Paragraph 7. Freight which is cleared and ready to continue its journey and which, for any reason, cannot immediately be loaded on to the wagons of the carrier shall be warehoused in the Bolivian free zone, in which case, the officials of the Bolivian customs agency, together with those of the Brazilian customs office, shall take an inventory of the goods that have entered the warehouse, specifying the gross weight, numbers, marks and countermarks of the packages stored there for future dispatch to the country of destination.

Paragraph 8. The carrier shall issue a waybill for the goods in transit in accordance with Bolivian law. A copy of the waybill shall remain with the Brazilian customs office, so that the latter, on the basis of the specifications in it, may check the departure of the goods from Brazilian territory to Bolivia.

Paragraph 9. After inspection, the Bolivian customs agency and the Brazilian customs office in the port of departure shall indicate final clearance of the manifest in the waybill of the carrier.

Paragraph 10. In the event that the Bolivian customs warehouses in the free zone are full and thus unable to take in any more, the Brazilian customs authorities shall postpone the delivery of the goods to the Bolivian customs agency, until there is room for them in the free zone, and shall in the meantime assume full responsibility for the custody of the excess freight.

Paragraph 11. The administrative, customs and judicial authorities of the Republic of Brazil shall have no jurisdiction or competence over freight in transit to Bolivia and vice versa, except where their intervention is requested by the accredited Bolivian customs agent.

Article VI

The transit of freight coming from or originating in Bolivia shall be subject to the following provisions :

Paragraph 1. Such freight shall be declared to the Brazilian customs offices separately from freight consigned to Brazil for the purposes of reception. Packages containing goods in transit shall, in addition to bearing marks, countermarks, numbers and gross weight, be very clearly marked on the outside : “ From Bolivia in transit to a foreign country ”. Once the rail convoy has been received by the officials of the Brazilian customs office of the port of entry, the latter shall, together with the officials of the Bolivian customs agency and the agents of the carrier, check the information in the waybill against the markings and seals of the freight wagons. Following verification, the waybill shall be remitted to the customs office of the port of departure.

Paragraph 2. Bolivian freight shall be exported from Brazilian ports with no formalities other than a check of the marks, countermarks, numbers and gross weight of the packages specified in the waybill of the carrier; this check shall be made at the wharf by the officials of the Bolivian customs agency and the Brazilian customs office, and a copy of the waybill, duly endorsed by the officials who checked the goods, shall remain with the Brazilian customs office of the port of departure. Where the freight is not loaded immediately, it shall be taken to the Bolivian free zone.

Paragraph 3. For the onward dispatch of Bolivian freight warehoused in the free zone of the port, the officials of the Bolivian customs agency shall issue a transit waybill on unstamped paper, in the necessary number of copies, one copy remaining with the Brazilian customs office.

Article VII

When the transit of freight consigned to or coming from Bolivia is effected by rail, the freight shall be carried in wagons closed and sealed by the officials of the Brazilian customs office or the Bolivian customs agency, in the presence of representatives of the carrier. Transport in open or flat wagons shall be authorized only in the case of articles whose characteristics necessitate their use.

Article VIII

For Bolivian freight in transit through Brazil, a waybill must be issued by the Bolivian customs office and marked “ approved ” by the Brazilian customs agent or consul in Bolivia. The endorsements of approval by these officials shall be free of charge.

Article IX

Special priority shall be granted to the transit of livestock through the territory of either of the Parties in respect of dispatch, transport and feeding and

care facilities, except for the limitation which may have to be applied for health reasons.

Article X

Products and articles originating in or coming from either of the Contracting Parties which are in transit through the territory of the other shall, in respect of transport rates, be accorded the same treatment as similar products and articles of the country of transit.

Article XI

The carrier and the consigner of freight in transit, or his agent, shall sign a declaration of responsibility as a guarantee of their respective customs liability in case the freight does not reach the designated destination. Once this declaration of responsibility is signed, the deposit of security shall be optional.

The above-mentioned declaration of responsibility shall be voided upon presentation of a certificate issued by the customs office to which the freight is consigned, duly legalized, free of charge, by the consular authority concerned. The declarations of responsibility provided for in the present article shall be mandatory and shall be valid for 180 days, which period may be extended in exceptional cases at the request of the interested party.

Article XII

The transit of goods by river between the Contracting Parties, on Bolivian or Brazilian vessels, shall be subject to the relevant provisions of the Treaty of Commerce and River Navigation of 12 August 1910.

Article XIII

Brazilian and Bolivian customs offices shall permit and facilitate the dispatch of goods that have to be transported by air, in order to accelerate their reception.

Article XIV

The luggage of passengers coming from or proceeding to Bolivia shall be dispatched in transit, and the customs authorities of the port of loading or unloading shall confine themselves to handing them over, duly pre-fastened and sealed, to the carriers.

The unloading of luggage in transit at intermediate ports between the port of entry and that of departure shall not be permitted unless prior application has

been made to the customs authorities and the laws and regulations governing this matter in Brazil have been complied with.

The facilities referred to in this article shall be likewise provided for the luggage of passengers coming from or proceeding to Brazil in transit through Bolivia.

Article XV

The customs agents of the High Contracting Parties shall receive mailbags in transit and deliver them to the carriers once the formalities required by their legislation have been completed.

Article XVI

All the facilities provided for in the present Agreement shall apply equally to the transit of freight by rail or road.

Article XVII

Goods warehoused in the Bolivian free zones for a period of more than one year shall be deemed to be "unclaimed goods". These goods shall be redispached free of charge by the Bolivian customs agent to Bolivia for appropriate legal action. The same treatment shall be extended in Bolivia to goods in transit to Brazil.

Article XVIII

The customs authorities of the High Contracting Parties shall meet annually, alternately in La Paz and Rio de Janeiro, or in other designated towns, in order to recommend that their respective Governments adopt the regulations suggested by experience, with a view to the more effective implementation of this Agreement.

Article XIX

This Agreement shall remain in force indefinitely, and may be denounced by either of the High Contracting Parties on one year's notice.

Article XX

This Agreement, which shall be ratified in accordance with the constitutional procedures of each of the two countries, shall enter into force immediately after the exchange of the instruments of ratification, which shall take place in the city of Rio de Janeiro.

IN WITNESS WHEREOF, the above-named Plenipotentiaries have signed and sealed this Agreement in two equally authentic copies, in the Portuguese and Spanish languages, in the city of La Paz, on the twenty-ninth day of March nineteen hundred and fifty-eight.

For the Government
of the United States of Brazil :
JOSÉ CARLOS DE MACEDO SOARES

For the Government
of Bolivia :
MANUEL BARRAU PELÁEZ
