

No. 699

**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, Gaiba 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.

Article 18. Pursuant to article VI of the Treaty of 17 November 1903, and in order to ensure the clearance in transit of imports and exports, Brazil may maintain customs officers and the Bolivian customs offices at Puerto Guachalla (situated on the Cáceres lagoon), Villa Bella (situated on the Beni river), Abuña (situated on the river of the same name), Cobija (situated on the Baía stream) or at any other customs or administrative office Bolivia may establish on the common frontier or in its vicinity.

Reciprocally, Bolivia shall be permitted to maintain customs officers at the customs offices of Belém do Pará, Manaus and Corumbá and at any other customs or administrative office, such as the office at Santo Antônio (situated on the Madeira river), which Brazil may establish on the Madeira and Mamoré rivers or on other rivers and at other points on the common frontier or in its vicinity.

Article 19. Goods in transit coming from or consigned to Bolivia which are not subsequently transhipped aboard another vessel bound for the port of consignment shall pass through the Brazilian customs warehouses, lighters or floating warehouses exempt from any transit dues, as stipulated in article 8 of this Treaty.

Article 20. In order to ensure the onward transit of goods coming from or consigned to Bolivia in the customs offices of Pará and Manaus, the consignee or agent shall submit an itemized list of the stored packages. The list shall indicate the numbers, displaying marks, countermarks and numbers as the consignment as a whole and shall in addition be marked with a correlated letter of the alphabet.

Article 21. Once the formalities referred to in the preceding article have been completed and a declaration of guarantee or security has been signed by the consignee, agent or shipper of the goods or launches in transit as a guarantee of their respective customs liability in case the goods cleared do not reach the designated destination, the goods shall be released from the warehouse in which they were stored.

The broker's declaration of liability or security shall be voided upon presentation of a certificate issued by the customs office to which the goods are consigned. The said certificate shall be legalized by the consular authority concerned.

For the purpose of its being voided, the said declaration of guarantee or security shall stipulate a reasonable period of time within which proof shall be provided that the goods cleared in transit have reached their destination.

Article 22. Officials of both Contracting Parties shall, in accordance with the requirements of the customs office, travel aboard vessels used for transit trade in order to verify the destination of goods.

Article 23. In the case of products of the soil or industry, which are exported directly from Bolivia via the Atlantic Ocean, the rules laid down in the preceding articles concerning documents furnishing proof of origin shall apply only if the products are transhipped aboard vessels intended for that purpose or if the products are stored in special warehouses in Brazilian transit ports.

Article 24. For the purpose of the onward transit of the exported goods and products mentioned in the preceding article, the consignee shall facilitate their outward clearance in accordance with the relevant customs clearance certificates and way-bills.

Article 25. The customs authorities shall furnish each other with a list of the goods in transit, in addition to the way-bill customarily issued.

Article 26. For the purpose of the transit of goods via the Madeira, inspection and clearance shall be effected at the customs office to be established at Pôrto Velho or at some other location when the entire length of the Madeira – Mamoré railway—or part thereof, as is presently the case—has been opened to public traffic. Until that time, the clearance and transshipment formalities which are obligatory in that region for goods coming from or consigned to Bolivia may continue to be effected in Santo Antônio, in accordance with the procedure outlined in the preceding articles.

Article 27. After the Madeira – Mamoré railway has been opened for public use, the Brazilian administrative authority and the Bolivian customs officer shall ensure that packages consigned to Bolivia are loaded immediately on railway freight cars and are not subject to any formalities other than an external inspection by Brazilian customs officers.

If for any reason the railway cannot transport the packages immediately, they shall be stored in special warehouses in the customs station and shall be exempt from any federal, State or municipal taxes.

Article 28. In order to recruit onward transit of the packages referred to in the preceding article, the documents mentioned in article 20 shall be issued and the packages shall be delivered to the railway, which shall transport them on its own responsibility in special freight cars closed and sealed by the Brazilian customs office or the Bolivian customs officer.

Article 29. Once the freight cars have arrived in Bolivian territory, an inspection shall be made to determine whether the freight carried on them is that listed in the respective clearance certificates, and the certificate of entry or return receipt shall be issued and marked with any comments prompted by or discrepancies revealed during the inspection.

The said certificates shall be endorsed free of charge by the Brazilian customs officer or, in his absence, by the Brazilian consular agent or the Bolivian administrative authority.

Article 30. Upon presentation of the return receipt, and once it has been checked against the declaration of liability referred to in article 21, the shipper's declaration of security shall be voided in Santo Antônio or in Pôrto Velho del Madeira.

Article 31. The transit permits, way-bills, bills of lading, certificates and other customs documents the purpose of which is to safeguard the customs interests of the two Contracting Parties shall be presented in the number required for that purpose by the customs laws and regulations of each of the two Republics. Sufficient advance notice of any legal reform or modification of those provisions shall be given by the customs office or administrative department of the country making the change to the consuls or customs officers of the other country; if this requirement is not fulfilled, the trader shall not be liable for any failure to comply with the new provisions.

Article 32. Irregularities committed by traders with a view to evading the exact payment of customs duties shall be punished in accordance with the relevant laws and regulations in force, no fines other than those established by law being permitted.

Article 33. Bolivian customs officers currently posted and those who may subsequently be posted at Brazilian customs offices may make the appraisal and calculate the

duties to be paid, subject only to the return of the transit permits within the period of time duly established for that purpose.

Article 34. The luggage of passengers on the Madeira – Mamoré railway who are travelling from Bolivia and, while in transit, embark at Santo Antônio for another country may be brought directly from the freight cars to the steamship without being opened and inspected at the Brazilian customs office.

The luggage of passengers arriving at Santo Antônio and travelling to Bolivia on that railway shall be accorded the same facilities.

Article 35. Only one customs clearance certificate and one bill of lading, in the number of copies required by law, shall be necessary for each shipment of Bolivian articles for export originating with the same exporter and consigned to the same destination, even when the shipment must be loaded on two or more lighters.

Article 36. When, for any reason, vessels carrying goods consigned to Bolivia on the Paraguay river are unable to reach the Bolivian port of Guachalla (on the Cáceres lagoon) and it becomes necessary to transship the goods in transit, the said transshipment shall be checked in the manner and conditions laid down in articles 19, 20 and 21; the chief of the Brazilian customs office at Corumbá shall decide, in each case, whether or not the shipment should be accompanied by officials from his office as far as the Bolivian customs office, in which event no cost shall be borne or remuneration paid by the trader.

Article 37. In order to guarantee the customs liability of Brazil, the Brazilian customs officer attached to the customs office at Puerto Guachalla, who must be present when the goods are received, shall be required to approve the relevant return receipts.

In the absence of a Brazilian customs officer, the return receipts or certificates of entry must be approved by the Brazilian consular agent or, if there is no such agent either, by the Bolivian administrative authority.

Article 38. Passengers in transit to Bolivia who disembark or break their journey in Corumbá shall not be required to pay departure taxes.

Article 39. This Treaty shall be binding for a period of 10 years from the date of the exchange of ratifications and shall remain in force thereafter until one of the High Contracting Parties denounces it or gives notice of its desire to amend it.

In the case of amendments, the article or articles to which the notification refers shall remain in force until the day on which the new provisions begin to take effect; when one of the Parties denounces this Treaty in its entirety, all its provisions shall cease to have effect 12 months from the date on which the other Party receives the notification.

It is in the meantime expressly declared that such denunciation shall not affect the principle of the broadest freedom of river and land transit recognized in perpetuity by the two High Contracting Parties in article V of the Treaty of 17 November 1903.

Article 40. Pending the necessary authorization by the legislatures of each of the two Republics, this Treaty shall be ratified and the ratifications shall be exchanged in the city of Rio de Janeiro or in La Paz as soon as possible.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries sign and seal this Treaty in two copies, each in the Portuguese and Spanish languages.

DONE in the city of Rio de Janeiro on 12 August 1910.

RIO BRANCO

LEOPOLDO DE BULHÕES

CLAUDIO PINILLA
