

AWARD OF THE PRESIDENT OF THE UNITED STATES UNDER THE
TREATY OF 7 SEPTEMBER 1899 BETWEEN THE ARGENTINE
REPUBLIC AND BRAZIL, FOR THE SETTLEMENT OF THE
DISPUTED BOUNDARY BETWEEN URUGUAY AND YGUAZU
RIVERS, DECISION OF 5 FEBRUARY 1895*

SENTENCE ARBITRALE DU PRÉSIDENT DES ÉTATS-UNIS EN
VERTU DU TRAITÉ DU 7 SEPTEMBRE 1899 ENTRE L'ARGENTINE
ET LE BRÉSIL, POUR LA DÉLIMITATION DE LA FRONTIÈRE
LITIGIEUSE ENTRE LES FLEUVES URUGUAY ET YGUAZU,
DÉCISION DU 5 FÉVRIER 1895**

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The Treaty concluded September 7, 1889, between the Argentine Republic and Brazil for the settlement of a disputed boundary question provides, among other things, as follows:

“ARTICLE I.

The contention about the right that each one of the High Contracting Parties judges to have to the territory in dispute between them, shall be closed within the term of ninety days to be counted from the ending of the survey of the land in which the headwaters of the rivers Chapeco or Pequiriguazu and Jangada, or San Antonio-Guazú are found. The said survey is understood to

* Reprinted from John Basset Moore, *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. II, Washington, 1898, Government Printing Office, p. 2020.

** Reproduit de Moore, John Basset. *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. II, Washington, 1898, Government Printing Office, p. 2020.

end the day on which the commissions appointed by virtue of the Treaty of September 28, 1885, shall present to their governments their reports and plans referred to in Article IV. of the same treaty.

ARTICLE II.

Should the time specified in the preceding Article expire without an amicable solution being reached, the question shall be submitted to the Arbitration of the President of the United States of America, to whom the High Contracting Parties shall address themselves within the next sixty days, requesting him to accept that Commission.

ARTICLE V.

The boundaries shall be established by the rivers that either Brazil or the Argentine Republic has designated, and the arbitrator shall be invited to decide in favor of one of the Parties, as he may deem just, and in view of the reasons and the documents they may produce.

ARTICLE VI.

The decision shall be pronounced within the term of twelve months, counting from the date of the presentation of the expositions, or from the latest one, if the presentation be not made at the same time by both Parties. It shall be final and obligatory, and no reason shall be alleged to obstruct its enactment.”

The High Contracting Parties having failed to arrive at an amicable solution within the time stipulated as aforesaid, have, in accordance with the alternative provisions of the Treaty, submitted the controverted question to me, Grover Cleveland, President of the United States of America, for Arbitration and Award under the conditions in said Treaty prescribed.

Each Party has presented to me within the time and in the manner specified in Article IY. of the Treaty, an Argument, with evidence, documents and titles in support of its asserted right.

The question submitted to me for decision under the treaty aforesaid is, which of two certain systems of rivers constitutes the boundary of Brazil and the Argentine Republic in that part of their adjoining territory which lies between the Uruguay and Yguazu Rivers. Each of the designated boundary systems is composed of two rivers having their sources near together and flowing in opposite directions, one into the Uruguay and the other into the Yguazu.

The two rivers designated by Brazil as constituting the boundary in question (which may be denominated the Westerly System) are a tributary of the Uruguay and a tributary of the Yguazu, which were marked, recognized and declared as boundary rivers in 1759 and 1760 by the Joint Commission appointed under the treaty of January 13, 1750, between Spain and Portugal, to locate the boundary between the Spanish and Portuguese possessions in

South America. The affluent of the Uruguay is designated in the report of those commissioners as the Pepiri river (sometimes spelled Pepiry). In certain later documents put in evidence it is called the Pepiri-Guazu. The opposite river flowing into the Yguazu was named the San Antonio by the said Commissioners, and it retains that name.

The two rivers claimed by the Argentine Republic as forming the boundary (which may be denominated the Easterly System) lie more to the east and are by that Republic called the Pequiri-Guazu (flowing into the Uruguay) and the San Antonio-Guazu (flowing into the Yguazu). Of these two rivers last aforesaid, the first is by Brazil called the Chapeco and the second the Jangada.

Now, therefore, be it known, that I, Grover Cleveland, President of the United States of America, upon whom the functions of Arbitrator have been conferred in the premises, having duly examined and considered the arguments, documents, and evidence to me submitted by the respective Parties pursuant to the provisions of said Treaty, do hereby make the following decision and award:

That the boundary line between the Argentine Republic and the United States of Brazil in that part submitted to me for arbitration and decision, is constituted and shall be established by and upon the rivers Pepiri (also called Pepiri-Guazu) and San Antonio, to wit, the rivers which Brazil has designated in the argument and documents submitted to me as constituting the boundary, and hereinbefore denominated the Westerly System.

For convenience of identification, these rivers may be further described as those recognized, designated, marked and declared as the Pepiri and San Antonio, respectively, and as the boundary rivers, in the years 1759 and 1760, by the Spanish and Portuguese Commissioners in that behalf appointed pursuant to the treaty of limits concluded January 13, 1750, between Spain and Portugal, as is recorded in the official report of the said commissioners. The mouth of the affluent of the Uruguay last aforesaid, to-wit, the Pepiri (also called Pepiri-Guazú) which, with the San Antonio, is hereby determined to be the boundary in question, was reckoned and reported by the said commissioners who surveyed it in 1759 to be one and one-third leagues upstream from the Great Falls (Salto Grande) of the Uruguay, and two-thirds of a league above a smaller affluent on the same side called by the said Commissioners the Ytaya. According to the map and report of the survey made in 1887 by the Brazilian-Argentine Joint Commission, in pursuance of the treaty concluded September 28, 1885, between the Argentine Republic and Brazil, the distance from the Great Falls of the Uruguay to the mouth of the aforesaid Pepiri (also called Pepiri-Guazu) was ascertained and shown to be four and one-half miles as the river flows. The mouth of the affluent of the Yguazu last aforesaid, to-wit, the San Antonio, was reckoned and reported by the said commissioners of 1759 and 1760 to be nineteen leagues upstream from the Great Falls (Salto Grande) of the Yguazu, and twenty-three leagues

from the mouth of the latter river. It was also by them reported as the second important river that empties itself on the south bank of the Yguazu above its Salto Grande; the San Francisco, about seventeen and one-fourth leagues above the Great Falls, being the first. In the report of the Joint Survey made in 1788 under the treaty of October 1, 1777, between Spain and Portugal, the location of the San Antonio with reference to the mouth and the Great Falls of the Yguazu agrees with that above stated.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed,

Done in triplicate at the City of Washington on the fifth day of February in the year one thousand eight hundred and ninety-five, and of the Independence of the United States the one hundred and nineteenth.

[SEAL.]

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,
Secretary of State.