

Treaty of peace, friendship, commerce, and navigation between the Argentine Confederation and the Republic of Paraguay

We, **Justo José de Urquiza**, President of the Argentine Confederation—inform everyone that on the 29th day of July of this year the present confirmation document was concluded and signed in the City of Asunción¹ between the Argentine Confederation and the Republic of Paraguay, duly represented, a Treaty of friendship, commerce, and navigation, whose tenor and form is as follows:

IN THE NAME

OF THE

HOLY TRINITY

Wishing the Government of the Argentine Confederation and of the Republic of Paraguay to strengthen, intimately and sincerely, the good relations so necessary for the development and progress of both nations, on the just bases of common interest; and in perfect reciprocity, through a treaty of friendship, commerce and navigation: His Excellency the President of the Argentine Confederation has appointed his Envoy Extraordinary and Minister Plenipotentiary², the Argentine citizen, General and Senator, D. Tomás Guido; and His Excellency the President of the Republic of Paraguay for his Plenipotentiary, the Paraguayan citizen Nicolás Vázquez, Minister Secretary of State for Foreign Affairs.

Which after having examined and exchanged their respective Full Powers and finding them in good and due form, they have come to terms with and concluded the following articles:

Article I.

There will be perfect peace and sincere friendship between the Argentine Confederation and the Republic of Paraguay. The respective Governments mutually commit themselves to using every efficiency to consolidate them perpetually.

Article II.

The Argentine Confederation and the Republic of Paraguay adopt, based on their mutual relations, the most extreme and open reciprocity.

¹ Asunción is the largest city in Paraguay and is on the bank of the Paraguay River, which is also part of the Paraguay/Argentina border (“Asunción”).

² An envoy extraordinary and minister plenipotentiary is a diplomatic head of mission that is ranked under an ambassador (“Envoy (title)”).

Article III.

Should it occur that one of the High Contracting Parties³ finds itself at war with a third Power, the other Contracting Party shall remain perfectly neutral.

Article IV.

In the case established by the previous third article, the citizens of the Power that will maintain neutrality, may continue their commerce and navigation with the State at war, except for ports and cities that are blocked or besieged by water, or land. However, in no case will trade of reputed military contraband be allowed.

Article V.

So that there is no doubt about what objects or articles are considered military contraband, they are declared as such. First: guns, mortars, howitzers, cannons, muskets, rifles, carbines, pikes, swords, sabers, spears, darts, halberds, grenades, rockets, bombs, gunpowder, wicks, bullets and all other things pertaining to the use of these weapons. Second: shields, helmets, cuirass, chainmail, ammunition belts, and clothing made of uniform, and for military use. Third: bridle, horses, tops of the saddles, saddles and any things pertaining to this weapon. Fourth: and generally tools of all kinds, of iron, steel, brass, and any other manufactured materials, prepared or formed expressly to make war by sea or land.

Article VI.

In the aforementioned state of war between any of the High Contracting Parties and a third Power, no citizen of the other will accept commission or letter of marque⁴ for the purpose of helping or cooperating adversely with his enemy, under penalty of being treated as a pirate.

Article VII.

Pirates and sea thieves will neither be admitted to the ports of the Argentine Confederation nor to those of the Republic of Paraguay, and the Governments of both States are obliged to persecute and rigorously apply the law to them and in the same way to their accomplices, and to the hidden goods thus stolen.

Likewise, they are obliged to return ships and cargoes, to their rightful owners, citizens of either of the two States, or their proxies, or respective consular agents.

³ A High Contracting Party includes the representatives of a country that have signed and ratified the treaty ("High Contracting Parties").

⁴ A letter of marque is an authorization of a private person to attack and capture the vessels of a nation that the issuer is at war with ("Letter of Marque").

ARTICLE VIII.

If, unfortunately, the war between the Argentine Confederation and the Republic of Paraguay ensues (God forbid), hostilities cannot begin between the two countries without prior mutual notification, six months before a break of the treaty.

ARTICLE IX.

In the case of the previous eighth article or of any disagreements between the two High Contracting Parties or breaking of the treaty, the citizens of each of the same High Contracting Parties who are residents in the territory of the other, may remain in it to arrange their business or continue their trade or occupation in the full enjoyment of their freedom and property, provided they behave peacefully. Their assets of any kind, whether they are under their own custody, already entrusted to individuals, or to the State, shall not be subject to seizure, or kidnapping, or any other charge, or levy, except those assets that may belong to national citizens. But in the event that their motive for their behavior is of justified suspicion, they may be expelled from the country, giving them sufficient time for their arrangements, and the power to carry their goods and property, and dispose of them by any legal means.

ARTICLE X.

Argentines in Paraguay and Paraguayans in the Argentine Confederation will be perfectly free to manage their business by themselves or by proxy, to hire, to buy or sell wholesale or retail, to make a private matter public, and to defend their rights, in accordance with the laws of the country of residence, and with the same freedom and rights as natural citizens.

ARTICLE XI.

Perfect and reciprocal equality will be observed by both Republics in the widest protection and security of the property of the citizens of both countries; and they may not be taxed on import and export duties, on merchandise, on tonnage, on port and other established taxes, or that which is established on direct trade, such as on cargo, deposit, importation, or exportation on the coasts of both Republics, with more burdensome impositions than those weighing on natural citizens.

ARTICLE XII.

Argentinian citizens in Paraguay and Paraguayan citizens in the Argentine Confederation will enjoy in the respective territories the fullest right to the possession and free use of the goods that they introduce or acquire by purchase, sale, trade, will, donation, or in any other legal way, in accordance with the respective official laws.

Assets acquired by inheritance, or legacy, will not be encumbered with others, or have higher fees than those paid by nationals in similar cases.

ARTICLE XIII.

Argentine residents or visitors in the Republic of Paraguay and Paraguayan residents or visitors in the Argentine Confederation may not be forced into personal service in neither the army and navy nor in the national militias and will be exempt from war contributions, forced loans, accommodation and military requisitions.

ARTICLE XIV.

No property belonging to the province of Argentina may be detained or seized in the Republic of Paraguay for public service, or even because of urgent need, without prior accommodations with the owners, representatives, or consignees, both of the values of the detained property and established compensation of damages that they will suffer, which must be stated in written and legally authorized stipulation; and no Paraguayan property, of any nature whatsoever, may be detained in the Argentine Confederation due to the agreements about Argentine properties in this article.

ARTICLE XV.

Both High Contracting Parties undertake not to employ in the military, of sea or of land, the deserters from the army of the other, and when demanded by the respective consuls or vice-consuls, they will agree to the extradition of soldiers and sailors who are deserters from war.

ARTICLE XVI.

In the case of death Ab Intestatos of any Argentine citizen in Paraguayan territory, or vice-versa, the General Consul, Consul, or Vice-Consul of the citizen's nation will intervene in the inventory, procurement, signature, and alienation of the goods of the deceased, jointly with the executor or curator that the Government appoints until the assets have been distributed among the citizen's legitimate heirs, or among their creditors.

ARTICLE XVII.

The navigation of the Paraná, Paraguay and Bermejo rivers is completely free and shared among Argentine and Paraguayan merchant ships and warships, in accordance with the current provisions in both Republics.

ARTICLE XVIII.

Both High Contracting Parties shall mutually respect the fluvial regulations that establish the security of fiscal interests of the shores of their respective domains, and may not violate in any way the free course of navigation and legitimate trade. The imposition of transit rights, with arrests, inspectors, or embargoes, or other impediments, contribute to the detriment of commercial interests.

⁵ Ab Intestato is a Latin term for "from an intestate," so a death Ab Intestato is when someone dies without having a will (US Legal, Inc.).

ARTICLE XIX.

The ports and channels enabled for foreign trade, or those that are enabled by the Paraguayan Government, are open to all ships, cargoes, and belongings that sail under the Argentine flag: Paraguayan ships will enjoy equal benefits in the ports and channels of the Argentine Confederation, authorized previously or from now on for foreign trade.

ARTICLE XX.

The High Contracting Parties admit Argentine or Paraguayan ships, those that sail under the flag of either Republic, who are patented, mandated, and manned in accordance with their respective laws.

ARTICLE XXI.

In the event that one of the two High Contracting Parties is at war with any third Power, the two States accept that the principle of neutrality covers merchandise, with the exception of war contraband, and of officers and soldiers in the service of the enemy.

For the same reason, neutral property under an enemy flag will be regarded as an enemy. This principle is not applicable to Powers that do not recognize and observe it.

ARTICLE XXII.

Consular agents shall be mutually accepted for the protection of respective commerce, who in the place of their residence shall enjoy the immunities that are granted to those of equal classes from the most favored nation. The papers and archives will be inviolable.

ARTICLE XXIII.

The Consuls, and consulate employees, are exempt from all public services, and from all rights, taxes and contributions, except those who are obligated to pay for their business, industry, and property, but in all other circumstances will be subject to the laws of the respective States.

ARTICLE XXIV

The boundary agreement between the Argentine Confederation and the Republic of Paraguay is postponed.⁶

ARTICLE XXV.

Despite what has been agreed in the previous article, it is declared that the Island of Apipé in the Paraná River belongs to the Argentine Confederation, and that of Yasiretá to Paraguay.

⁶ The boundary between Argentina and Paraguay was established later in 1876, 24 years after this treaty ("Geography").

ARTICLE XXVI.

The High Contracting Parties agree to establish and finance one or more monthly land mail deliveries in their respective territories, which conduct public and official correspondence from one State to another, on the days and to the extent agreed upon separately.

ARTICLE XXVII.

The letters and correspondence that depart from free ports⁷ will be issued free of charge by the post office of each country.

ARTICLE XXVIII.

The letters and correspondence conducted by the post office of either of the High Contracting Parties, that transit abroad or to various points of both States, will be routed to their destination by the same channels established for the direction of correspondence of the post office administration where received.

ARTICLE XXIX.

If the letters or correspondence referred to in the preceding article, bound for either a foreign country or any point of one of the Contracting States, could not continue to their destination, without prior payment of postage, their course will not be stopped for this reason. In this case, the administration that dispatches it will advance the corresponding freight, communicate its value to the administration from which it came, and charge the value to this respective account. This amount will be settled every six months, and paid in the manner agreed upon by both Governments. The basis of this franchise will be the current rate in the administration that intervenes in the dispatch of correspondence. For this reason, both parties will communicate about their rates.

ARTICLE XXX.

The official correspondence of the respective Governments, and that of their Diplomatic Supporters, as well as the newspapers, official publications of either country, pamphlets, magazines, or other forms destined for circulation, will circulate free of charge by the post office of both countries.

ARTICLE XXXI.

This Treaty will be competently ratified, and the ratifications will be exchanged in the city of Paraná, Provisional Capital of the Argentine Confederation, within three months or sooner if possible.

⁷ After research, I found that one of the earliest definitions of “zonas francas” is “free port,” which means that it is a port with little to no taxes to encourage economic activity, or in this case sending letters or freight (“Free economic zone”).

ARTICLE XXXII.

The declaration made in Art. 25 of this Treaty is final: all other stipulations, except as agreed in Art. 24, will be valid for six years counted from the exchange of ratifications.

In faith whereof, we, the Plenipotentiaries of the Argentine Confederation, and of the Republic of Paraguay, by virtue of our full powers, signed this Treaty in duplicate, and we put on it the seals of the respective arms.

Done in the city of Asunción, Capital of the Republic of Paraguay, on the twenty-ninth day of the month of July in the year of our Lord, eighteen hundred and fifty-six.

L.S.⁸=Tomás Guido. L.S.= Nicolás Vázquez.

And bearing in mind the same Treaty, the content of which has been stated above, and well seen and considered by Us, and having been approved by the Legislative Congress of the Argentine Confederation, by its sovereign law on the 26th of this month we accept, confirm, and ratify said Treaty for now and from now on, offering and promising to fulfill and uphold it, in its whole and in each one of its stipulations, using all the power and means within our reach to put it into effect.

In witness whereof we sign this document of ratification, sealed with the national seal and countersigned by the Minister Secretary of State in the Department of Foreign Relations, signed below.

Done at the Government Palace of the city of Paraná, Provisional Capital of the Confederation, on the thirtieth day of the month of September in the year of our Lord, eighteen hundred and fifty-six.⁹

Acknowledgements:

I would like to thank the students in my class who helped edit my translation this semester, including Lauren Blanchetti, Bonnie Laingen, and Aaria Malhotra.

I would also like to thank my Professor, Catherine Addington, for her invaluable advice and guidance.

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⁸ L.S. is an abbreviation for the Latin phrase “Locus sigilli” which means “the place of the seal.” These letters are placed where the notary public’s embossed seal should be (US Legal, Inc.).

⁹ A treaty written in English in 1848 (“Transcript of Treaty of Guadalupe Hidalgo (1848)”) was referenced to see how treaties written during this time period usually end.

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