

**INTERNATIONAL LAW OF  
SPANISH  
AMERICA: ARBITRATION  
ON MISIONES**

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International Law of Spanish America: Arbitration on Misiones by Estanislao S. Zeballos

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**ESTANISLAO S. ZEBALLOS**

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INTERNATIONAL LAW OF SPANISH AMERICA

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ARBITRATION

ON

MISIONES

Statement made by the late  
Minister of Foreign Affairs of the  
Argentine Republic

DR. DON ESTANISLAO S. ZEBALLOS

*to refute mistakes of Brazilian origin and  
to enlighten public opinion in South and North America*



PRINTED BY JACOBO PEUSER

BUENOS AIRES

1893

THE ARBITRATION ON  
MISIONES

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Worthless pretexts of quarrels between Spain and Portugal, which have put to the test the friendly relations of the Argentine and Brazilian Republics; and the solution of which ensures friendship between the two States.

I agree with Your Lordship that the *indecent denials, calumnious accusations, iniquitous charges* and other similar expressions to be frequently found in Your Lordship's dispatches, particularly in the last one of 30th ult.<sup>o</sup>, to which I now reply, mean not, and can never mean, that right is on the part of those who are in the wrong; for they rather show incoherence and want of sound reason on the part of whoever uses them.

Your Lordship might have added that right neither is obtained by instability of principles, alteration of news, false rumours set afloat, confusion, humbug and slang.

This unheard of language, to which I have never had recourse, is the most common

weapon of a narrow policy, which being devoid of other proofs, endeavours to palliate and conceal errors, with misleading reference to the reality of facts, thus making disputes interminable.

DIEGO DE ALBEAR.

(Fourth dispatch to the Portuguese Commissioner, SANTO ANGELO, 10th October 1790).

The treaty ordaining that an individual map of the whole frontier should be constructed, it ordains likewise and takes for granted—although it does not state it—that all preliminary surveys shall be made that may be required to attain truth and exactness in that operation.

That is why none of the Boundary Commissioners can refuse to make any inquiry or investigation proposed by his colleague; and still less is he justified in constituting himself sole judge to decide as to their being chimerical, apocriphal, or ill-intentioned inventions. This would be real, unbearable pride, and the most infallible means of preventing the frontier being surveyed and marked out as particularly as Their Majesties wish it.

DIEGO DE ALBEAR.

(Eighth reply to the Portuguese Commissioner, SANTO ANGELO, 16th November 1790).

I have only one regret, as a Brazilian; that common sense, (what little there was)

was on the part of the Argentines, in the way of conducting the question.

BARON DE CAPANEMA.

(*Jornal do Commercio*, 12th February 1893.)

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I only wish that Sr. Dionisyo may not indulge in another freak to bring himself forward; should the decision be favorable for us, let him appropriate the glory; should we be defeated, the whole of Brazil will turn on me, the Government itself not being the last; but in view of my explanations every one will know what were my opinions, and our *learned diplomatists and statesmen* will think that only with the plans were they served. *Let them bear the responsibility of whatever happens.*

BARON DE CAPANEMA.

(*Jornal do Commercio*, 19th February 1893.)

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In bad faith were the Spaniards when they gave the Chapecó the name of Pepiry-Guassú, as at that time Olmedilla already mentioned it as *Guatupy*.

And now an Argentine Minister of State presents it to Congress and to the Nation, not only with changed names, but even with suppressions constituting forgery.

BARON DE CAPANEMA.

(*Jornal do Commercio*, 14th February 1893.)

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I

After a debate of one hundred and forty two years, the Argentine Republic and Brazil closed it, placing the case in the hands of the international judge spontaneously chosen by the high contracting parties.

On informing one of them—the Argentine Republic—thereof, it was necessary to give an account of the course of the negotiations, always kept private by the Cabinet, to justify the inspiring motives of the friendly solution.

Such is the origin of the Report I presented in 1892 to the Hon. Congress of the Nation and to the Country itself, in my capacity of Minister of Foreign Affairs.

I had naturally to refer to the numerous official works, as well as to those of distinguished authors worthy of perusal who have discussed our rights on Misiones.

The Argentine official document took into consideration for the first time the lengthy and learned Brazilian pleading, doing due honor in the arguments, as well as in the form of presenting them, to the sense of cordiality and mutual respect which unite both nations.

On referring to the Brazilian Statesmen and writers, whose opinions and tendencies were reviewed, the Argentine Minister gave due praise to those who took a prominent

part therein, and in all cases used the consideration due to those who in good faith set forth their patriotic convictions.

The report was not, therefore, a provocation addressed to the Brazilian Statesmen to reopen a debate already closed, but a necessary reply to whatever printed matter they might place before the International Judge as official traditional evidence in the matter, and if the Argentine Republic put in the last word in the controversy, it was because she had always allowed the other party to argue without having herself made use of a similar right.

Moreover, there was no reason whatever that demanded on the part of Brazil a fresh allegation, as no novelty could be added by the diplomatists of Rio de Janeiro or their co-operators to what has already been said in numerous pamphlets and books which form by themselves a regular Missionary library.

These precedents explain the surprise with which has been read in the Argentine Republic the explosion of Baron de Capanema, the head of the late International Exploring Commission of the disputed territories. I do due honor to the sagacity and keen judgement of the Brazilian Statesmen in thinking that they shared our surprise, owing to patriotic reasons to which I shall refer in another chapter.

## II

Baron de Capanema does not throw any light on the question from a legal or geographical point of view.

He uselessly insists in what the above-mentioned library has repeated in every language. I will state, further on, what I think of the political and diplomatic service rendered to Brazil by this publication.

I regret being unable even to give him credit for original style, unworthy as his is of an international controversy in full time of peace between States, or in the intervals between merciless battles; for—as stated by Secretary of Embassy Casaleiz —« the rules of urbanity established by good breeding, cannot and must not be altered in political or social life.»

I have stated that the form adopted by Baron de Capanema is not even original and I now add that he has made the mistake of forgetting the refined amiability and cultured tone used by the Rio de Janeiro Government, and has adopted the rude style of a Portuguese Commander of the frontier of Rio Grande.

The quotations placed at the head of these pages, taken from the communications addressed by the Spanish Commissioner for the demarcation of boundaries between the