

# **Treaties concerning the non-navigational uses of international watercourses - Asia**

## **Traités concernant l'utilisation des cours d'eau internationaux à des fins autres que la navigation - Asie**

Development Law Service

Service droit et développement

FAO  
LEGISLATIVE  
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FAO  
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**55**

Food and  
Agriculture  
Organization  
of the  
United Nations

Organisation des  
Nations Unies  
pour l'alimentation  
et l'agriculture



This publication contains the text, in full or in excerpt form, of thirty-nine treaties on the subject of the development, non-navigational use and protection of rivers and lakes shared across international boundaries in Asia. It is intended for reference purposes and for use by policy-makers, decision-makers, government legal advisers and negotiators as an illustration of the kind of legal obligations and instruments adopted by countries in their dealings with international water resources.

Cette publication contient le texte intégral ou des extraits de trente-neuf traités entre pays asiatiques pour la mise en valeur, l'utilisation à des fins autres que la navigation et la protection de fleuves et de lacs s'étendent sur le territoire de deux ou plusieurs pays en Asie. Il s'agit d'un ouvrage de référence, destiné aux décideurs, cadres, conseillers juridiques et négociateurs, qu'y trouveront des exemples de clauses et d'instruments juridiques adoptés par les divers pays dans le domaine des ressources hydriques internationales.

## Preface

In 1963 the United Nations Secretariat collected and published the texts of treaties then in force concerning the non-navigational uses of international watercourses<sup>1</sup>. Subsequently, in 1984, the then United Nations Department of Technical Cooperation for Development published the texts of treaties concerning the non-navigational uses of international watercourses concluded among or between African States<sup>2</sup>. Interest in this specialized field of public international law has grown unabated through the years, as witnessed, in particular, by the conclusion of the work of the United Nations International Law Commission towards the codification of the law of the non-navigational uses of international watercourses.

The present collection of treaties may be viewed as a contribution to a better knowledge of legally binding steps taken by countries towards the development, use and protection of the water resources of Asia's rivers and lakes common to two or more States. It follows and complements the publication, also by FAO, of the texts of treaties concerning the development, use and protection of Europe's international watercourses<sup>3</sup>. The information contained in this publication, in addition to being useful as specialized reference material, may also be a source of ideas for policymakers and decisionmakers in general, and governmental legal advisers and negotiators in particular, as they deal with the uniquely complex legal implications of developing, using and protecting water resources shared across international borders.

This collection contains the texts -in full or in excerpt form but with the exception of any maps - of thirty nine treaties which either had been omitted in the previous 1963 United Nations publication, or have come into being thereafter. The publication does not purport to be exhaustive. In fact, the Development Law Service will be grateful for suggestions on how to improve the accuracy and completeness of coverage.

This publication has been prepared by Dr. Marcella Nanni based on previous research work carried out by Dr. Mario Barbato. Overall supervision and final editing have been the responsibility of Mr. S. Burchi, Senior Legal Officer with this Service.

Lawrence Christy  
Chief  
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<sup>1</sup> Legislative Texts and Treaty Provisions concerning the Utilization of International Rivers for other Purposes than Navigation, United Nations publication, Sales No. 63.V.4, New York, 1963.

<sup>2</sup> Treaties Concerning the Utilization of International Water Courses for Other Purposes than navigation - Africa, United Nations publication, Sales No. E/F.84.II.A.7, New York, 1984.

<sup>3</sup> Treaties concerning the non-navigational uses of international watercourses - Europe, FAO Legislative Study No. 50, Rome 1993.

## Preface

En 1963, le Secrétariat des Nations Unies a rassemblé et publié les textes des traités alors en vigueur relatifs aux utilisations des cours d'eaux internationaux à des fins autres que la navigation<sup>4</sup>. Par la suite, le Département de la coopération technique pour le développement des Nations Unies a publié en 1984 les textes de traités relatifs aux utilisations des cours d'eaux internationaux à des fins autres que la navigation conclus entre Etats africains<sup>5</sup>. Depuis, l'intérêt dans ce domaine spécialisé du droit international public ne s'est pas démenti, comme en témoigne, notamment, la conclusion des travaux de la Commission du droit international des Nations Unies en matière de codification du droit relatif aux utilisations des cours d'eau internationaux à des fins autres que la navigation.

Le présent recueil de traités entend contribuer à mieux faire connaître les engagements juridiques concernant le développement, l'utilisation et la protection des ressources en eau des rivières et des lacs communs à deux ou plusieurs Etats dans l'Asie et fait suite à la publication FAO contenant le texte des traités sur le développement, l'utilisation et la protection des cours d'eau internationaux de l'Europe<sup>6</sup>. Les informations contenues dans cette publication outre qu'elles peuvent servir de matériel de référence en ce domaine, peuvent aussi se révéler une source d'inspiration pour ceux qui, de manière générale, prennent les décisions politiques, et plus particulièrement, pour les conseillers juridiques des gouvernements et les diplomates qui doivent connaître les implications juridiques complexes résultant du développement, de l'utilisation et de la protection des ressources en eau partagées à travers les frontières.

Ce recueil contient les textes - complets ou en extraits à l'exception de toute carte - de trente-neuf traités, qui n'avaient pas été inclus dans la publication des Nations Unies de 1963, ou bien sont parus par la suite. Cette publication n'entend pas être exhaustive. Le Service droit et développement apprécierait toute suggestion visant à préciser et compléter cette étude.

Cette publication a été préparée par Mlle Marcella Nanni, sur la base d'une recherche menée antérieurement par M. Mario Barbato. M. Stefano Burchi, juriste principal auprès du Service, a assuré la supervision et la mise au point finale de cette publication.

Lawrence Christy  
Chef  
Service droit et développement

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<sup>4</sup> Textes législatifs et dispositions des traités concernant l'utilisation des fleuves internationaux à des fins autres que la navigation, publication des Nations Unies n° 63. V.4, New York, 1963.

<sup>5</sup> Traités concernant l'utilisation des cours d'eau internationaux à des fins autres que la navigation, Afrique, publication des Nations Unies, n° E/F/84.II.A.7, New York, 1984.

<sup>6</sup> Traités concernant l'utilisation des cours d'eau internationaux à des fins autres que la navigation - Europe, Etude Legislative FAO n° 50, Rome, 1993.

## **CONTENTS SOMMAIRE**

*Page*

### **PART ONE - GENERAL CONVENTIONS PREMIERE PARTIE - CONVENTIONS GENERALES ..... 1**

1. Convention on wetlands of international importance especially as  
waterfowl habitat, done at Ramsar on 2 February 1971.....3

### **PART TWO - MULTILATERAL TREATIES DEUXIEME PARTIE - TRAITES MULTILATERAUX ..... 5**

2. Act between Great Britain, Russia and Turkey fixing the frontier  
Karaourghan to the old frontier, signed at Kara Kilissa on  
11 August 1880 .....7

3. Memorandum and Exchange of Notes between His Majesty's  
Government in the United Kingdom and the Government of India  
and the Government of Siam, constituting an Agreement Regarding  
the Boundary between Burma (Kengtung) and Siam, done  
respectively, at Chiengrai on 12 May 1931 and at Bangkok on  
27 August 1931 and 14 March 1932 .....9

4. Joint Declaration of Principles for Utilization of the Waters of the  
Lower Mekong Basin, signed by the Representatives of the  
Government of Cambodia, Laos, Thailand and Vietnam to the  
Committee for Coordination of Investigations of the Lower Mekong  
Basin at Vientiane on 31 January 1975 ..... 11

5. Declaration concerning the Interim Committee for Coordination of  
Investigations of the Lower Mekong Basin, signed by the  
Representatives of the Governments of Laos, Thailand and Vietnam  
to the Committee for Coordination of Investigations of the Lower  
Mekong Basin at Vientiane on 5 January 1978.....21

### **PART THREE - BILATERAL TREATIES TROISIEME PARTIE - TRAITES BILATERAUX ..... 23**

6. Statute of the Indo-Bangladesh Joint Rivers Commission,  
signed at Dacca on 24 November 1972 .....25

7. Agreement between the Government of the People's Republic  
of Bangladesh and the Government of the Republic of India  
on sharing of the Ganges Waters at Farakka and on  
augmenting its flows, signed at Dacca on 5 November 1977 .....28

8. Boundary Treaty between the Union of Burma and the People's Republic of China, signed at Peking on 1 October 1960 .....	32
9. Protocol between the Government of the Union of Burma and the Government of the People's Republic of China relating to the Boundary between the two countries, signed at Peking on 13 October 1961 .....	39
10. Agreement between the Government of the Union of Burma and the Government of the Islamic Republic of Pakistan on the Demarcation of a Fixed Boundary between the two Countries in the Naaf River, signed at Rawalpindi on 9 May 1966 .....	42
11. Boundary Agreement between China and Pakistan, signed at Peking on 2 March 1963 .....	45
12. Protocol between China and Russia for the Delimitation of the Frontier along the River Horgos, signed at Kure on 12 June 1915 .....	48
13. Exchange of Notes between His Majesty's Government in the United Kingdom and the Government of India and the Chinese Government regarding the establishment of a Commission to determine the Southern Section of the Boundary between Burma and Yunnan, done at Nanking on 9 April 1935 .....	49
14. Exchanges of Notes between China and the United Kingdom of Great Britain and Northern Ireland on the Demarcation of the Southern Section of the Yunnan-Burma Boundary and the Joint Exploitation of the Lufang Mines, done at Chungking on 18 June 1941 .....	52
15. Inter-Dominion Agreement between the Government of India and the Government of Pakistan, on the Canal Water Dispute between East and West Punjab, signed at New Dehli on 4 May 1948 .....	55
16. Agreement between Pakistan and India on Border Disputes, signed at New Dehli on 10 September 1958 .....	57
17. Agreement between Pakistan and India on West Pakistan-India Border Disputes, signed at New Dehli on 11 January 1960 .....	58
18. Amended Agreement between His Majesty's Government of Nepal (hereinafter referred to as "HMG") and the Government of India (hereinafter referred to as the "Union") concerning the Kosi Project, signed at Katmandu on 19 December 1966 .....	60
19. Agreement between Australia and Indonesia concerning certain Boundaries between Papua New Guinea and Indonesia, signed at Jakarta on 12 February 1973 .....	64

20. Agreement between the Government of Australia (acting on its own behalf and on behalf of the Government of Papua New Guinea) and the Government of Indonesia concerning Administrative Border Arrangements as to the Border between Papua New Guinea and Indonesia.....	65
21. Protocole relatif a la délimitation de la frontiere fluviale entre l'Iran et l'Irak, signée a Bagdad le 13 juin 1975.....	68
22. Accord entre l'Iran et l'Irak concernant l'utilisation des cours d'eau frontaliers, signée a Bagdad le 26 décembre 1975.....	71
23. Agreement between Iran and Iraq concerning Frontier Commissioners, signed at Baghdad on 26 December 1975.....	73
24. Agreement between Iran and Iraq concerning the Rules governing Navigation of the Shatt-al-Arab, signed at Baghdad on 26 December 1975.....	74
25. Boundary Agreement between Iran and Pakistan, with Exchange of Notes, signed at Teheran on 6 February 1958.....	76
26. Accord portant rectification de la frontiere entre l'Iran et la Turquie, signée a Téhéran le 26 mai 1937.....	79
27. Accord entre la Perse et l'Union des Républiques soviétistes socialistes relatif a l'exploitation des pecheries sur la cote méridionale de la mer caspienne, signé a Moscou le 1 <sup>er</sup> octobre 1927.....	80
28. Agreement between Iran and the Union of Soviet Socialist Republics concerning the Settlement of Frontier and Financial Questions, signed at Teheran on 2 December 1954.....	85
29. Treaty between the Government of the Union of Soviet Socialist Republics and the Imperial Government of Iran concerning the Regime of the Soviet-Iranian Frontier and the Procedure for the Settlement of Frontier Disputes and Incidents, signed at Moscow on 14 May 1957.....	89
30. Agreement between Iran and the Soviet Union for the Joint Utilisation of the Frontier parts of the Rivers Aras and Atrak for Irrigation and Power Generation, signed at Teheran on 11 August 1957.....	93
31. Additional Protocol to the Agreement between Iran and the Union of Soviet Socialist Republics, signed at Teheran on 2 December 1954, concerning the Line to be taken by the New Frontier between Iran and the Union of Soviet Socialist Republics through the Reservoirs of the Araxes Hydro-engineering Complex and the Mil-Mugan Diversion Dam on the River Araxes, signed at Moscow on 7 May 1970.....	95



32. Agreement between Iraq and Kuwait concerning the Supply of Kuwait with Fresh Water, signed at Baghdad on 11 February 1964 .....	98
33. Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, done at Arava/Araba Crossing Point 26 October 1994 .....	99
34. Convention between Laos and Thailand for the Supply of Power, signed at Vientiane on 12 August 1965 .....	104
35. Traite entre la France et le Siam relatif a la neutralisation du Grand-lac, signe a Saigon le 14 juillet 1870 .....	106
36. Traite entre le Gouvernement de la République Française et le Gouvernement de sa Majesté le Roi de Siam pour mettre un terme aux contestations survenues entre les deux pays et consolider les relations d'amitié, signé a Bangkok le 3 octobre 1893 .....	108
37. Convention la République française et le Siam réglant les relations entre les deux pays, signée a Bangkok le 25 août 1926 .....	109
38. Convention de paix entre la France et la Thaïlande, avec Protocole, signée a Tokyo le 9 mai 1941 .....	112
39. Exchanges of Notes between His Majesty's Government in the United Kingdom and the Government of Thailand regarding the Boundary between Burma and Thailand, done at Bangkok on 1 October 1940 and 10 December 1940 .....	114

PART ONE

**GENERAL CONVENTIONS**

PREMIERE PARTIE

**CONVENTIONS GENERALES**



1  
**CONVENTION<sup>7</sup> ON WETLANDS OF INTERNATIONAL  
IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT  
DONE AT RAMSAR ON 2 FEBRUARY, 1971<sup>89</sup>**

The Contracting Parties,

Recognizing the interdependence of man and his environment;

Considering the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

Being convinced that wetlands constitute a resource of great economic, cultural, scientific and recreational value, the loss of which would be irreparable;

Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;

Being confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

Have agreed as follows:

**Article 1**

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters.

...

**Article 5**

The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties.

They shall at the same time endeavour to co-ordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

...

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<sup>7</sup>Came into force on 21 December 1975.

<sup>8</sup>International Environmental Law, Multilateral Agreements 971:09.

<sup>9</sup>Signed by the following States of the Asian region: Australia, India, Iran, Japan, Jordan, New Zealand and Pakistan.



PART TWO

**MULTILATERAL TREATIES**

DEUXIEME PARTIE

**TRAITES MULTILATERAUX**



**ACT<sup>10</sup> BETWEEN GREAT BRITAIN, RUSSIA AND TURKEY  
FIXING THE FRONTIER BETWEEN RUSSIA AND TURKEY FROM  
KARAOURGHAN TO THE OLD FRONTIER,  
SIGNED AT KARA KILISSA ON 11 AUGUST 1880<sup>11</sup>**

**Article 1<sup>er</sup>.** - La frontière part d'un point à l'ouest près du village de Karaourghan, désigné sur la Carte par la lettre A et le point n° 0, à 400 sagènes du méridien 59° 56'40", et suivant une direction au sud-est elle gagne le petit sommet désigné sur la Carte par le point n° 1. De là elle se prolonge dans la même direction, passe par les sommets de deux monticules, et descend jusqu'au Karaourghan-Sou, qu'elle atteint au point de jonction de cette rivière avec le Kimliiu-Sou. Elle longe le thalweg du Karaourghan-Sou en aval sur une distance à près de 200 sagènes, puis elle tourne à gauche, traverse la grande route entre Karaourghan et Ziwin au point n° II, et remonte le cours du ruisseau, qui coule du sud-est au nord-ouest, et qui se jette dans le Karaourghan-Sou tout près du dit point n° II, jusqu'au point où la route entre Karaourghan et Medjingert le traverse, puis elle tourne au sud et monte par un petit ravin jusqu'à un col, marqué par le point n° I, où elle rejoint de nouveau cette même route. Ce point est situé au nord-nord-ouest, et à 400 sagènes à peu près des ruines du village d'Altun-Boulagh.

...

Du point n° 9 la ligne se dirige vers le sud-est, et passe en ligne directe à travers les points n° 10 et 11 jusqu'au point n° VII, qui se trouve sur la crête des hauteurs de la rive droite de Mamash-Dara, et à une distance 800 sagènes au sud d'un grand tombeau blanc tout près des ruines du village Kischlak Mamash. Elle se prolonge dans la même direction jusqu'au Mamash-dara, tourne à droite, c'est-à-dire vers le sud, et suit le cours de ce ruisseau en aval jusqu'à son point de jonction avec l'Araxe (point G, n° VIII), puis elle descend le thalweg de ce dernier fleuve jusqu'au point H, qui se trouve dans un coude de fleuve.

...

Elle suit cette route pour une distance de 400 sagènes, puis descend vers le sud-est dans un ravin, et remonte au point n° XIV, qui se trouve sur la route entre les villages d'Aiger-Bougor et Gozan, à une distance de 525 sagènes à l'ouest le village de Gozan, traverse la plaine en séparant les terrains du village d'Aiger-Bougor, qui est laissé à la Turquie de ceux de Gozan, qui est à la Russie, et descend en ligne directe jusqu'au Kaïnardja-sou (point n° 19), suit le cours de cette rivière en aval pour une distance de 120 sagènes à peu près, jusqu'à la ruine Kelemaidane, remonte jusqu'à la ruine Kelemaidane, remonte jusqu'à la crête Tchik-baba (point n° 20), et passant par un sommet gagne celui de Djirid-tapa (point n° XV), tourne à l'est, descend la crête d'un contrefort qui contourne presque en demi-cercle, et passe ensuite par le point n° 21, qui se trouve sur la route du village d'Orta-Kala à celui d'Aiger-Bougor, descend le lit desséché d'un ruisseau jusqu'à son point de jonction avec Orta-Kala-sou (lettre Q, point n° XVI).

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<sup>10</sup>No information is available regarding the date of entry into force of this Act.

<sup>11</sup>Parry, *The Consolidated Treaty Series*, Vol. 157, p. 37.



Elle monte ensuite en amont le cours de ce ruisseau en laissant le village de Tchermali à la Turquie, ainsi que les ruines d'un village à la Russie, jusqu'à sa jonction avec les ruisseaux Dali-kaya-déressi et Kaplan-dara.

...

3

**MEMORANDUM AND EXCHANGE OF NOTES<sup>12</sup> BETWEEN HIS  
MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE  
GOVERNMENT OF INDIA AND THE GOVERNMENT OF SIAM,  
CONSTITUTING AN AGREEMENT REGARDING THE BOUNDARY  
BETWEEN BURMA (KENG TUNG) AND SIAM, DONE  
RESPECTIVELY, AT CHIENGRAI ON 12 MAY 1931 AND  
AT BANGKOK ON 27 AUGUST 1931 AND 14 MARCH 1932<sup>13</sup>**

**MEMORANDUM**

According to evidence obtainable locally, it appears that the Meh Sye, which is chosen as the boundary between Siam and Kengtung by the agreement of 1891, has been keeping its channel without any abrupt change for many years before the date of the agreement. It must therefore be said that the Meh Sye has served excellently as a border line for all practical purposes up to the year 1929.

The river only left certain parts of its original bed as the result of the exceptional floods of the year 1929. The floods swept away twenty-two houses in two spots on the Siamese bank, forcing the channel of the river to run right through Siamese territory; at the same time this new channel cut away a small projecting piece of land on the Kengtung side, turning it into an island.

Assuming the new channel of the river as a boundary, it will be seen that neither side incurs any substantial loss. Although Siam loses a number of houses, the land on which these houses formerly stood now lies so low, almost on the level of the water, that it is useless for a considerable part of the year, and is therefore of no practical value. (Please refer to sketch x).

It seems to us, the undersigned, that for two friendly countries, the most obvious boundary in this instance is the river. To remote frontier dwellers not advanced in education, it is easy to point out and explain; for administration, it is simple. We beg, however, to submit that the term "deep-water channel" of the river should be used in place of the term "mid-stream". This would do away with every likelihood of dispute, and would, to a great extent, facilitate administration.

In suggesting the adoption of the new channel as the boundary, we would draw attention to two points:

(1) There would be no necessity to erect boundary posts, of which both the cost of erection and maintenance would be very high on account of the annual high water, which brings down heavy logs from the north-west.

(2) Should the old bed of the river be retained as boundary, its demarcation, apart from the necessity of erecting and maintaining costly pillars, would be difficult.

It is however, to be borne in mind that this practice of adopting the new bed of a river which has been suddenly changed as the boundary of two countries is diverting from the usual international practice. In this regard, the representatives of the Government of Burma assert that in the event of the

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<sup>12</sup>Came into force on 14 March 1932.

<sup>13</sup>League of Nations, Treaty Series, Vol. 131, p. 135.

Meh Sye changing its channel in the future, the Government of Burma would agree to accept the new channel as the boundary between Kengtung and Siam even though such future change would cause Burma to lose a part of her territory.

In conclusion, we jointly state that we shall submit to our respective Governments a proposal to adopt the new channel of the Meh Sye as the most practical boundary of the two countries on the understanding that, in the future, should the river again change its course, the two Governments would be prepared to always hold the "deep-water channel" of the river as the boundary irrespective of any territorial loss that may be incurred thereby.

...

Mr. Johns to Prince Devawongs Varodaya

Bangkok, March 14, 1932.

Monsieur Le Ministre,

I have the honour to acknowledge the receipt of your Highness' note of the 27th August, 1931 stating that the Royal Siamese Government have approved and ratified the agreement arrived at on the 12th May 1931, between their representatives and the representative of the Government of Burma, whereby it has been agreed to adopt the new channel of the Meh Sai River as the boundary between Siam and Kengtung, on the understanding that in the future, should the Meh Sai River again change its course, the two Governments would be prepared to hold the "Deep Water Channel" of the river as the boundary, irrespective of any territorial loss that may be caused by such change.

I have now the honour, on instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to confirm Mr. Dormer's note of the 17th July 1931, and to inform your Highness that His Majesty's Government in the United Kingdom and the Government of India consider your Highness's note of the 27th August and the present note as completing the agreement under reference.

...

4

**JOINT DECLARATION OF PRINCIPLES FOR UTILIZATION OF  
THE WATERS OF THE LOWER MEKONG BASIN, SIGNED BY  
THE REPRESENTATIVES OF THE GOVERNMENTS OF  
CAMBODIA, LAOS, THAILAND AND VIETNAM TO THE  
COMMITTEE FOR COORDINATION OF INVESTIGATIONS  
OF THE LOWER MEKONG BASIN, SIGNED AT VIENTIANE ON  
31 JANUARY 1975<sup>1415</sup>**

**Preamble**

The Governments of the Khmer Republic, Laos, Thailand and the Republic of Viet-Nam,

RECALLING the establishment on 18 September 1957 by the Governments of these countries, pursuant to a joint declaration endorsed by the United Nations Economic Commission for Asia and the Far East<sup>16</sup> at its thirteenth session, of the Committee for Coordination of Investigations of the Lower Mekong Basin to promote, coordinate, supervise and control the planning and investigation of water resources development projects in the Lower Mekong Basin,

NOTING with pride the unique spirit of cooperation and of mutual assistance which has constantly inspired the Committee's work, and which has made it possible for a great number of friendly governments and organizations to contribute substantially to these achievements,

CONSIDERING in particular that over a decade of joint effort has culminated in the production of an Indicative Basin Plan to serve as a guideline for the development of Lower Mekong Basin water resources,

CONSIDERING the need, while preserving the principles of national sovereignty and equity, to further cooperate in the comprehensive development of these resources for the benefit of all the peoples of the Lower Mekong States,

REALIZING the necessity to base the development of these resources on principles commonly agreed by the four Basin States and to provide for the coordination of the implementation of projects under the direction of a joint organization at the Basin level, and

DETERMINED to pursue the development of the water resources of the Lower Mekong Basin in the same spirit of cooperation and mutual assistance in conformity with the objectives and principles of the Charter of the United Nations,

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<sup>14</sup>Adopted by the Committee for Coordination of Investigations of the Lower Mekong Basin at its 68th Session, Vientiane, Laos, 29 January - 3 February 1975.

<sup>15</sup>Mekong Committee, Document E/CN 11/WRD/MKG/LK.405, p. 19.

<sup>16</sup>Now designated "Economic and Social Commission for Asia and the Pacific".

DECLARE their intention to further the utilization of the waters of the Lower Mekong Basin in accordance with the following Principles:

## **CHAPTER I**

### **Definitions**

#### **Article I**

Except where the context otherwise requires, the following terms have the following meaning wherever used in the present Declaration:

1. "Lower Mekong Basin" (hereinafter called the "Basin") means the area of the drainage basin of the Mekong River located south of China.
2. "Drainage Basin" means the geographical area extending over the Basin States determined by the watershed limits of the systems of waters in the Lower Mekong Basin, including surface waters and ground waters feeding, or fed by, such surface waters.
3. "Basin State" means a State the territory of which includes a portion of the Drainage Basin and which shall have proclaimed and maintained in effect this Declaration of Principles.
4. "Riparian State" means a Basin State the territory of which is either bounded or traversed by the Mekong Mainstream.
5. "Project" means any activity, whether temporary or permanent, which has a determining effect on the water balance or water quality of the Basin, or on the utilization of its water resources.
6. "Territorial State", when referred to in relation to a Project, means the State or States within which that Project is located.
7. "Committee" means the Committee for Coordination of Investigations of the Lower Mekong Basin as presently existing or hereafter reconstituted by unanimous action of the Basin States.
8. "Mainstream" means the Mekong River, including such distributaries as may be proposed for inclusion by the State in which they are located, and approved by all the Basin States.
9. A Major Tributary is a water course which, in its natural or developed state, is recognized by all Basin States as having a major determining effect on the regimen of the Mainstream.
10. A Minor Tributary is a water course which, in its natural or developed state, has no major determining effect on the regimen of the Mainstream.
11. "Basin Development System" means a series of Projects constructed and operated in such a way as to achieve, so far as practicable, their hydraulic, electrical and financial integration and their implementation as components of a single development undertaking.
12. "Project Agreement" means an agreement among all the Basin States containing a detailed description of the Project and stating the respective rights and obligations of the contracting parties, and providing for Project implementation in conformity with the provisions of the present Declaration of Principles.

13. "Project Agency" means an organization established by a Project Agreement for the financing, construction or operation of a Project.

## **CHAPTER II**

### **Objectives**

#### **Article II**

The objectives of the present Joint Declaration of Principles are:

1. To ensure that conservation, development and control of the water resources of the Basin are directed towards their optimum utilization for the benefit of all the peoples of the Basin States;
2. To promote the regional cooperation required for the proper management of the water resources of the Basin;
3. To state principles which shall serve as the basis for the fulfilment of these objectives.

## **CHAPTER III**

### **Basic Principles**

#### SECTION A:      General

#### **Article III**

The water resources of the Basin - in all phases of the hydrologic cycle - constitute a single natural resource.

Each particular utilization of this resource shall be considered in relation to its effect upon the water balance and water quality of the Basin

#### **Article IV**

The Basin States shall ensure the conservation of the Basin water resources by taking every reasonably necessary measure to:

1. maintain their flow and quality;
2. prevent their misuse, waste and pollution.

#### **Article V**

Individual projects on the Mainstream shall be planned and implemented in a manner conducive to the system development of the Basin's water resources, in the beneficial use of which each Basin State shall be entitled, within its territory, to a reasonable and equitable share. Each project shall be required to

be technically feasible, economically justified, socially desirable and consistent with the sovereign rights of the Basin States.

## **Article VI**

For the purpose of determining what is a reasonable and equitable share within the meaning of Article V all relevant factors shall be considered, including, without limitation, the following:

- 1.the geography of the Basin, including in particular the extent of the drainage basin area in the territory of each Basin State;
- 2.the hydrology of the Basin, including in particular the contribution of water by each Basin State;
3. the climate affecting the Basin;
- 4.the past utilization of the water of the Basin, including particular existing utilization;
5. the economic and social needs of each Basin State;
- 6.the population dependent on the waters of the Basin in each Basin State;
- 7.the comparative costs of alternative means of satisfying the economic and social needs of each Basin State;
8. the availability of other resources;
- 9.the avoidance of unnecessary waste in the utilization of the waters of the Basin;
- 10.the practicability of compensation to one or more of the Basin States as a means of adjusting conflicts among users;
- 11.the degree to which the needs of a Basin State may be satisfied, without causing substantial injury to another Basin State;
- 12.the benefit-cost ratio of each project, taking into account social, economic, and financial costs and benefits, including those downstream and upstream from the project.

The weight to be given to each factor shall be determined by its importance in comparison with that of other relevant factors and, in determining what is a reasonable and equitable share, all relevant factors shall be considered together and a conclusion reached on the basis of the whole.

## **Article VII**

Basin water resources development, referred to in Article V, shall be based on a comprehensive plan of development, prepared and approved jointly by the Committee, designated as the Indicative Basin Plan, the main objectives of which are to evaluate the potential water and related resources of the Basin and the respective needs of the Basin States, and to suggest optimum technical, economic and social means for the equitable satisfaction of those needs.

The Indicative Basin Plan shall be reviewed periodically and revised by the Committee as necessary on the basis of changing needs, technology and other circumstances.

#### **Article VIII**

Every reasonable measure shall be taken by the Basin States to ensure the coordinated control of the Basin water resources, including flood protection and flow regulation, improvement of navigation, reduction of salt water intrusion, adequate drainage, and the effective beneficial use of these waters.

#### **Article IX**

Any act or omission by a Basin State in the construction, operation or maintenance of a project which causes substantial damage within the territory of another Basin State, not excused by force majeure, shall be subject to appropriate compensation.

Each project agreement shall provide for the determination and effectuation of such compensation.

#### **SECTION B: Mainstream**

#### **Article X**

Mainstream waters are a resource of common interest not subject to major unilateral appropriation by any riparian State without prior approval by the other Basin States through the Committee.

Equality of right is not herein construed as the right to an equal division of the use of these waters among riparian States, but as the equal right of each riparian State to use these waters on the basis of its economic and social needs consistent with the corresponding rights of the others.

#### **Article XI**

The sovereign jurisdiction of a riparian State over mainstream waters is subject to the equal right of the other riparian States to use these waters.

Equality of right is not herein construed as the right to an equal division of the use of these waters among riparian States, but as the equal right of each riparian State to use these waters on the basis of its economic and social needs consistent with the corresponding rights of the others.

#### **Article XII**

Uses of mainstream water for domestic and urban purposes should have preference over any other use or category of uses, unless otherwise agreed.

#### **Article XIII**



A riparian State may not be denied an existing reasonable use of mainstream waters to reserve for another riparian State a future use of such waters.

#### **Article XIV**

A use is deemed to be existing from the first act of implementation followed, with reasonable diligence, by initiation of construction, and application to use of the full quantity claimed, with like due diligence, within a reasonable period of time, related to the magnitude of the use, and continuing until such time as such use ceases to be effective.

A reasonable use in existence as of any given date may continue in operation unless the factors justifying its continuance are outweighed by other factors, referred to in Article VI, leading to the conclusion, confirmed by an international tribunal of competent jurisdiction, that it be modified or terminated so as to accommodate a concurrent or competing incompatible use, but in such event its modification or termination shall entitle the holder of the right to such use to reasonable, prompt and adequate compensation, assured prior to curtailment of such use.

#### **Article XV**

Mainstream projects shall be investigated, planned and designed according to criteria and standards, consistent with this Declaration of Principles and agreed upon from time to time by all Basin States, through the Committee.

#### **Article XVI**

Mainstream project construction, operation and maintenance shall conform to this Declaration of Principles and to the relevant Project Agreement.

#### **Article XVII**

The Basin State or States, whether territorial or not, which undertake the project shall present well in advance to the other Basin States for formal agreement prior to the project implementation a detailed study on all possible detrimental effects including short and long-term ecological impacts which can be expected within the territory of other Basin States as a result of the proposed mainstream project. The procedures and amounts of damages compensation shall be included in the above study.

#### **Article XVIII**

The Project Agreement shall specify minimum and maximum rates of discharge from the Project which, so far as practicable, will make available a rate of flow downstream not less than the average monthly flow during the previous dry periods, put to use prior to the construction of the Project and, on the other hand, will assure that, except in cases of force majeure, flows below the Project site will not exceed the flows which prevailed during previous wet periods.

#### **Article XIX**

Every reasonably necessary measure shall be taken by the riparian State diverting mainstream waters to ensure the economic and effective use thereof, and to restrict the pollution of the return flow.

#### **Article XX**

Extra-Basin diversion of mainstream waters by a riparian State shall require the agreement of all Basin States through a Project Agreement.

#### **SECTION C:**

#### **Article XXI**

A tributary recognized by all Basin States as a Major Tributary shall be considered as an integral part of the Basin development system and shall be governed by the provisions of the present Declaration of Principles applicable to the Mainstream.

#### **Article XXII**

In cases where the Basin State concerned so desires, and subject to the concurrence of all Basin States, any minor tributary and its basin may be integrated into the Basin development system, in which case they shall be governed by the provisions of the present Declaration of Principles applicable to the Basin.

#### **SECTION D: Other water resources**

#### **Article XXIII**

To the extent permitted by local law, underground aquifers and streams which contribute to the Mainstream or which are fed by the Mainstream, shall be governed by the provisions of the present Declaration of Principles applicable to the Basin whenever their use by a Basin State substantially affects the equitable utilization of the Basin water resources by another Basin State, or the quality of such water resources.

#### **Article XXIV**

When developing its Basin water resources, each Basin State shall take such measures as are practicable and reasonably necessary to avoid or minimize detrimental effects upon the ecological balance of the Basin, or any part thereof.

#### **Article XXV**

Each Basin State concerned shall take such measures as are practicable and reasonably necessary to assure that populations displaced as a result of water resources project development are suitably

relocated or equitably compensated, or both, and each Project Agreement shall contain provisions to do so. Compensation shall be paid before taking of the Land.

#### **Article XXVI**

Unless provided otherwise in the Project Agreement, benefits accruing from Basin water resources development shall be allocated first within the Basin States before being extended to other areas.

### **CHAPTER IV Organization**

#### **Article XXVII**

##### **SECTION A: The Mekong Committee**

The utilization of the Basin water resources shall continue to be planned by the Committee, as heretofore constituted by the Governments of the Basin States, in accordance with the provision of the present Declaration of Principles.

**SECTION B: Project Agencies**

**Article XXVIII**

Each mainstream project - or combination of projects - within the Basin development system shall be implemented by a Project Agency duly designated or established by a Project Agreement on the recommendation of the Committee.

Project Agencies shall be established and shall operate on the basis of criteria and standards, which shall be uniform to the extent feasible, to be stated in each Project Agreement.

**Article XXIX**

Each Project Agreement shall contain provisions for prevention and resolution of disputes, including procedures for conciliation and arbitration.

**CHAPTER V  
Financing**

**Article XXX**

The State or States concerned shall be primarily responsible for Basin water resources development financing. This may be effectuated through a Project Agency.

**Article XXXI**

In cases where a project - or a combination of projects - is financed by two or more Basin States, the relevant costs and benefits assignable to those States shall be shared equitably. The arrangements for such financial participation shall be specified in the Project Agreement.

**Article XXXII**

The apportionment of project costs and benefits among the States concerned, and procedures for compensation shall be specified in the Project Agreement.

The apportionment of project costs, benefits, and compensation among the States concerned shall be periodically reviewed thereafter and revised as necessary on the basis of changing needs and circumstances so as to maintain their equitable share therein.

**Article XXXIII**

The allocation of Project costs and revenues among the various functions of multiple-purpose projects shall be made in the Project Agreement in each case.

If the Basin States unanimously agree, the Project Agreements governing two or more Projects may provide for the pooling costs and revenues thereof in a Basin Account.

**Article XXXIV**

The Project Agreement shall specify the recipient and administrator of Project construction funds and Project revenues.

**Article XXXV**

In cases where it is considered advantageous by all Basin States, and so stated in the Project Agreement, the Committee, or an international financial institution by agreement with the Committee, may be empowered to act in the capacity of recipient, administrator, or both, of Project funds.

5

**DECLARATION<sup>17</sup> CONCERNING THE INTERIM COMMITTEE  
FOR COORDINATION OF INVESTIGATIONS OF THE LOWER  
MEKONG BASIN, SIGNED BY THE REPRESENTATIVES OF  
THE GOVERNMENTS OF LAOS, THAILAND AND VIETNAM TO  
THE COMMITTEE FOR COORDINATION OF INVESTIGATIONS  
OF THE LOWER MEKONG BASIN, SIGNED AT VIENTIANE  
ON 5 JANUARY 1978<sup>18</sup>**

1. Motivated by the desire to cooperate more closely in order to reap the benefits of the development of the water resources of the lower Mekong Basin, to meet the needs for reconstruction and economic development of their respective countries;

Implementing the communique signed and published during the 33rd session of ESCAP in Bangkok on 29 April 1977, by the representatives of three riparian countries of the Mekong, concerning the reactivation of the Committee for Coordination of Investigations of the Lower Mekong Basin, which communique has been approved by the Governments concerned;

The representatives of the Lao People's Democratic Republic, the Socialist Republic of Viet-Nam and the Kingdom of Thailand have met in Vientiane from 27 to 30 July 1977 and on 5 January 1978, and have agreed to establish an Interim Committee to proceed with new water resources development activities in the lower Mekong basin that are of particular interest to the three riparian countries concerned.

2. The Interim Committee for Coordination of Investigations of the Lower Mekong Basin (hereafter called the Committee) shall consist of the representatives of the Lao People's Democratic Republic, the Socialist Republic of Viet-Nam and the Kingdom of Thailand.

3. The present Committee will be succeeded by the Committee for Coordination of Investigations of the Lower Mekong Basin once all members of the latter Committee have decided to participate in that organization.

4. The Committee shall promote the development of the water resources of the lower Mekong Basin to increase agricultural and power production, in order to meet effectively the needs for reconstruction and growing development of the countries of Indochina, and the growing economic development needs of Thailand.

5. Taking into account the need to protect the mutual interests and to guarantee the well-being of the population, each of the three member countries shall accord the others the necessary facilities for transit, purchase and sale of construction materials or products from completed projects, as well as for the security of transport and traffic on the Mekong within the framework of this regional co-operative effort

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<sup>17</sup>The date of entry into force of this Declaration is assumed to be the date of the same.

<sup>18</sup>Obtained from the Interim Committee for Coordination of Investigations of the Lower Mekong Basin.

and with a view to accomplishing the projects approved by the Committee.

6. The Committee shall adopt its own rules of procedure.

7. Decisions of the Committee shall be unanimous.

...

PART THREE

**BILATERAL TREATIES**

TROISIEME PARTIE

**TRAITES BILATERAUX**





**6**  
**STATUTE<sup>19</sup> OF THE INDO-BANGLADESH JOINT  
RIVERS COMMISSION, SIGNED AT DACCA ON  
24 NOVEMBER 1972<sup>20</sup>**

CHAPTER I  
**The Contracting Parties**

Pursuant to the relations of friendship and cooperation that exist between India and Bangladesh,

DESIROUS of working together in harnessing the rivers common to both the countries for the benefit of the peoples of the two countries,

DESIROUS of specifying some questions relating to these matters,

HAVE AGREED AS FOLLOWS:

CHAPTER II

**Article 1**

There shall be established an Indo-Bangladesh Joint Rivers Commission, hereinafter referred to as the Commission.

**Article 2**

(i) The Commission shall be constituted by each participating Government appointing a chairman and three members; of these two shall be engineers. The chairman and the three members shall ordinarily hold office for a period of three years.

(ii) Each participating Government may also appoint such experts and advisers as it desires.

**Article 3**

The Chairmanship of the Commission shall be held annually in turn by Bangladesh and India.

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<sup>19</sup>No information is available regarding the entry into force of this Statute.

<sup>20</sup>Separate publication of the Indo-Bangladesh Joint Rivers Commission.

#### **Article 4**

- (i) The Commission shall have the following functions, in particular:
- (a) to maintain liaison between the participating countries in order to ensure the most effective joint efforts in maximising the benefits from common river systems to both the countries,
  - (b) to formulate flood control works and to recommend implementation of joint projects,
  - (c) to formulate detailed proposals on advance flood warnings, flood forecasting and cyclone warnings,
  - (d) to study flood control and irrigation projects so that the water resources of the region can be utilised on an equitable basis for the mutual benefit of the peoples of the two countries, and
  - (e) to formulate proposals for carrying out co-ordinated research on problem of flood control affecting both the countries.
- (ii) The Commission shall also perform such other functions as the two Governments may, by mutual agreement, direct it to do.

### **CHAPTER III**

#### **Supporting Staff and Secretariat Assistance**

#### **Article 5**

Each Government will provide appropriate supporting staff and Secretariat assistance to its representatives in the Commission to enable them to discharge their functions in an effective manner.

### **CHAPTER IV**

#### **Sessions**

#### **Article 6**

- (i) Subject to the provisions of this Statute, the Commission shall adopt its own rules of procedure.
- (ii) Meetings may generally take place alternately in the two countries, subject to the convenience of the two Governments.
- (iii) Special meetings of Working Groups or Ad-Hoc Expert Groups duly nominated by the respective Governments may be arranged, as required, by the mutual consultation of the Members.

### **CHAPTER V**

#### **Rules of Procedure**

- (iv) The ordinary sessions of the Commission shall be held as often as necessary, generally four times a year. In addition special meetings may be convened any time at the request of either

Government.

**Article 7**

All meetings shall be closed meetings unless the Commission desires otherwise.

**CHAPTER VI**  
**General Provisions**

**Article 8**

The Commission shall submit confirmed minutes of all meetings to the two Governments. The Commission shall also submit its annual report by the 31st January, next year.

**Article 9**

Decisions of the Commission shall be unanimous. If any differences arise in the interpretation of this Statute, they shall be referred to the two Governments to be dealt with on a bilateral basis in a spirit of mutual respect and understanding.

...

7

**AGREEMENT<sup>21</sup> BETWEEN THE GOVERNMENT OF THE  
PEOPLE'S REPUBLIC OF BANGLADESH AND THE  
GOVERNMENT OF THE REPUBLIC OF INDIA ON  
SHARING OF THE GANGES WATERS AT FARAKKA  
AND ON AUGMENTING ITS FLOWS, SIGNED AT  
DACCA ON 5 NOVEMBER 1977<sup>22</sup>**

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH AND THE  
GOVERNMENT OF THE REPUBLIC OF INDIA,

DETERMINED to promote and strengthen their relations of friendship and good neighbourliness,

INSPIRED by the common desire of promoting the well-being of their peoples,

BEING desirous of sharing by mutual agreement the waters of the international rivers flowing  
through the territories of the two countries and of making the optimum utilisation of the water resources  
of their region by joint efforts,

RECOGNIZING that the need of making an interim arrangement for sharing of the Ganges waters  
at Farakka in a spirit of mutual accommodation and the need for a solution of the long-term problem of  
augmenting the flows of the Ganges are in the mutual interests of the peoples of the two countries.

BEING desirous of finding a fair solution of the question before them, without affecting the rights  
and entitlements of either country other than those covered by this Agreement, or establishing any  
general principles of law or precedent,

HAVE AGREED AS FOLLOWS:

A. Arrangements for sharing of the waters of the Ganges at Farakka.

**Article I**

The quantum of waters agreed to be released by India to Bangladesh will be at Farakka.

**Article II**

(i) The sharing between Bangladesh and India of the Ganges waters at Farakka from the 1st  
January to the 31st May every year will be with reference to the quantum shown in column 2 of the  
Schedule annexed hereto which is based on 75 percent availability calculated from the recorded flows of  
the Ganges at Farakka from 1948 to 1973.

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<sup>21</sup>Came into force on 5 November 1977.

<sup>22</sup>International Legal Materials, Vol. 17 (1978), p. 103.

(ii) India shall release to Bangladesh waters by 10-day periods in quantum shown in column 4 of the Schedule:

Provided that if the actual availability at Farakka of the Ganges waters during a 10-day period is higher or lower than the quantum shown in column 2 of the Schedule it shall be shared in the proportion applicable to that period;

Provided further that if during a particular 10-day period, the Ganges flows at Farakka come down to such a level that the share of Bangladesh is lower than 80 percent of the value shown in column 4, the release of waters to Bangladesh during that 10-day period shall not fall below 80 percent of the value shown in column 4.

### **Article III**

The waters released to Bangladesh at Farakka under Article I shall not be reduced below Farakka except for reasonable uses of waters, not exceeding 200 cusecs, by India between Farakka and the point on the Ganges where both its banks are in Bangladesh.

### **Article IV**

A Committee consisting of the representatives nominated by the two Governments (hereinafter called the Joint Committee) shall be constituted. The Joint Committee shall set up suitable teams at Farakka and Hardinge Bridge to observe and record at Farakka the daily flows below Farakka Barrage and in the Feeder Canal, as well as at Hardinge Bridge.

### **Article V**

The Joint Committee shall decide its own procedure and method of functioning.

### **Article VI**

The Joint Committee shall submit to the two Governments all data collected by it and shall also submit a yearly report to both the Governments.

### **Article VII**

The Joint Committee shall be responsible for implementing the arrangements contained in this part of the Agreement and examining any difficulty arising out of the implementation of the above arrangements and of the operation of Farakka Barrage. Any difference or dispute arising in this regard, if not resolved by the Joint Committee, shall be referred to a panel of an equal number of Bangladeshi and Indian experts nominated by the two Governments. If the difference or dispute still remains unresolved, it shall be referred to the two Governments which shall meet urgently at the appropriate level to resolve it by mutual discussion and failing that by such other arrangements as they may mutually agree upon.

## **B. Long-Term Arrangements**

#### **Article VIII**

The two Governments recognise the need to cooperate with each other in finding a solution to the long-term problem of augmenting the flows of the Ganges during the dry season.

#### **Article IX**

The Indo-Bangladesh Joint Rivers Commission established by the two Governments in 1972 shall carry out investigation and study of schemes relating to the augmentation of the dry season flows of the Ganges, proposed or to be proposed by either Government with a view to finding a solution which is economical and feasible. It shall submit its recommendations to the two Governments within a period of three years.

#### **Article X**

The two Governments shall consider and agree upon a scheme or schemes, taking into account the recommendations of the Joint Rivers Commission, and take necessary measures to implement it or them as speedily as possible.

#### **Article XI**

Any difficulty, difference or dispute arising from or with regard to this part of the Agreement, if not resolved by the Joint Rivers Commission, shall be referred to the two Governments which shall meet urgently at the appropriate level to resolve it by mutual discussion.

#### **C. Review and Duration**

#### **Article XII**

The provisions of this Agreement will be implemented by both parties in good faith. During the period for which the Agreement continues to be in force in accordance with Article XV of the Agreement, the quantum of waters agreed to be released to Bangladesh at Farakka in accordance with this Agreement shall not be reduced.

### **Article XIII**

The Agreement will be reviewed by the two Governments at the expiry of three years from the date of coming into force of this Agreement. Further reviews shall take place six months before the expiry of this Agreement or as may be agreed upon between the two Governments.

### **Article XIV**

The review or reviews referred to in Article XIII shall entail consideration of the working, impact, implementation and progress of the arrangements contained in parts A and B of this Agreement.

### **Article XV**

This Agreement shall enter into force upon signature and shall remain in force for a period of 5 years from the date of its coming force. It may be extended further for a specified period by mutual agreement in the light of the review or reviews referred to in Article XIII.

...



8  
**BOUNDARY TREATY<sup>23</sup> BETWEEN THE UNION OF  
BURMA AND THE PEOPLE'S REPUBLIC OF CHINA,  
SIGNED AT PEKING ON 1 OCTOBER 1960<sup>24</sup>**

...

**Article I.** - In accordance with the principle of respect for sovereignty and territorial integrity and in the spirit of friendship and mutual accommodation, the Union of Burma agrees to return to China the area of Hpimaw, Gawlum and Kangfang (measuring about 153 square kilometres, 59 square miles, and as indicated in the attached map) which belongs to China; and the People's Republic of China agrees to delimit the section of the boundary from the junction of the Nam Hpa and the Nam Ting Rivers to the junction of the Nam Hka and the Nam Yung Rivers in accordance with the notes exchanged between the Chinese and the British Governments on June 18, 1941<sup>25</sup> with the exception of the adjustments provided for in Articles II and III of the present Treaty.

...

**Article V.** - The Contracting Parties agree that the section of the boundary from the High Conical Peak to the western extremity of the Sino-Burmese boundary, with the exception of the area of Hpimaw, Gawlum and Kangfang, shall be fixed along the traditional customary line, i.e., from the High Conical Peak northwards along the watershed between the Taping, the Shweli and the Nu Rivers and the section of the Tulung (Taron) River above Western Chingdam Village on the one hand and the Nmai Hka River on the other, to a point on the south bank of the Tulung (Taron) River west of Western Chingdam Village, thence across the Tulung (Taron) River and then further along the watershed between the section of the Tulung (Taron) River above Western Chingdam Village and the Tsayul (Zayul) River on the one hand and all the upper tributaries of the Irrawaddy River excluding the section of the Tulung (Taron) River above Western Chingdam Village on the other, to the western extremity of the Sino-Burmese boundary.

**Article VI.** - The Contracting Parties affirm that the two sections of the boundary from the High Conical Peak to the junction of the Nam Hpa and the Nam Ting Rivers and from the junction of the Nam Hka and Nam Yung Rivers to the southeastern extremity of the Sino-Burmese boundary at the junction of the Nam La and the Lanchang (Mekong) Rivers were already delimited in the past and require no change, the boundary being as delineated in the maps attached to the present Treaty.

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<sup>23</sup>Came into force on 4 January 1961.

<sup>24</sup>United Nations, Treaty Series, Vol. 1010, p. 112.

<sup>25</sup>United Nations, Treaty Series, Vol. 10, p. 227.

## Article VII

1. In accordance with the provisions of Article I and V of the present Treaty, the alignment of the section of the boundary line from the High Conical Peak to the western extremity of the Sino-Burmese boundary shall be as follows:

- (1) From the High Conical Peak (Mu-Lang Pum, Manang Pum) the line runs northwards, then southeastwards and then northeastwards along the watershed between the Taping River (Ta Ying Chiang), the Lung Chuan Chiang (Shweli) and the Nu (Salween) River on the one hand and the Nmai Hka River on the other, passing through Shuei Cheng (Machyi Chet) Pass, Panwa Pass, Tasamin Shan, Hpare (Yemawlaunggu Hkyet) Pass and Chitsu (Lagwi) Pass to the source of the Chu-i Ta Ho (Chu-iho Ta Ho).
- (2) From the source of the Chu-i Ta Ho (Chu-iho Ta Ho) the line runs northwestwards along the Chu-i Ta Ho (Chu-iho Ta Ho) to its junction with its tributary flowing in from the north, thence northwards along this tributary to a point on the watershed between the tributaries of the Hpimaw (Htangkyam Kyaung) River on the one hand and the Wang Ke (Moku Kyaung) River and its tributary, the Chu-i Ta Ho (Chu-iho Ta Ho), on the other, thence westwards along this watershed, passing through Ma Chu Lo Waddy (height 2423 metres, 7950 feet), thence northwards till it crosses the Hpimaw (Htangkyam Kyaung) River west of Hpimaw Village; thence northwards along the ridge, passing through Luksang Bum and crossing the Gan (Kang Hao) River to reach the Wu Chung (Wasok Kyaung) River; thence westwards along the Wu Chung (Wasok Kyaung) River to its junction with the Hsiao Chiang (Ngawchang Hka) River; thence northwards up the Hsiao Chiang (Ngawchang Hka) River to its junction with the Ta Hpawte (Hpawte Kyaung) River thence the line runs north of Kangfang Village generally eastwards and then southeastwards along the watershed between the Hsiao Hpawte (Hpawshi Kyaung) River and the Wu Chung (Wasok Kyaung) River on the one hand and the Ta Hpawte (Hpawte Kyaung) River on the other, to a point on the watershed between the Nu (Salween) and the Nmai Hka Rivers.
- (3) From the above-mentioned point on the watershed between the Nu (Salween) and the Nmai Hka Rivers, the line runs generally northwards along the watershed between the Nu (Salween) River and the section of the Tulung (Taron) River above Western Chingdam Village on the one hand and the Nmai Hka River on the other, passing through Kia Ngo Tu (Sajyang) Pass, Sala Pass, Mingke (Nahke) Pass, Ni Chi Ku (Gi Gi Thara) Pass, Kawchi Thara Pass, Jongit L'ka and Maguchi Pass; thence the line continues to run northwards and then generally westwards, passing through Alang L'ka, Mawa L'ka, Pang Tang Shan (Pumtang Razi), Lonlang L'ka, Hkora Razi to Tusehpong Razi.
- (4) From Tusehpong Razi, the line runs generally northwestwards along the ridge, passing through height 2892 metres and height 1240.3 metres, to a point on the south bank of the Tulung (Taron) River west of Western Chingdam Village. Thence it crosses the Tulung (Taron) River to its

junction with its tributary on its northern bank, and thence northwestwards along the ridge to Kundam Razi (Lungawng Hpong).

(5) From Kundam Razi (Lungawng Hpong) the line runs generally northwards and northwestwards along the watershed between the section of the Tulung (Taron) River above Western Chingdam Village on the one hand, and the upper tributaries of the Irrawaddy River [excluding the section of the Tulung (Taron) River above Western Chingdam Village] on the other, passing through Thala Pass, Sungya (Amansan) L'ka to Yulang Pass.

(6) From Yulang Pass the line runs generally southwestwards along the watershed between the Tsayul (Zayul) River on the one hand and the upper tributaries of the Irrawaddy River on the other, passing through Gamlang L'ka to the western extremity of the Sino-Burmese boundary.

2. In accordance with the provisions of Articles I, II, III and IV of the present Treaty, the alignment of the section of the boundary line from the High Conical Peak to the south-eastern extremity of the Sino-Burmese boundary shall be as follows:

(1) From the High Conical Peak, the line runs generally southwestwards along the watershed between the upper tributaries of the Taping River, the Mong Ka Hka and the upper tributaries of the Ta Pa Chiang (Tabak Hka) Rivers on the one hand and the lower tributaries of the Nmai Hka River on the other passing through Ta Ya Kou (Lunghkyen Hkyet), and thence northwestwards to Hsiao Chueh Pass (Tabak-Hku Hkyet).

(2) From Hsiao Chueh Pass (Tabak-Hku Hkyet), the line runs down the Ta Pa Chiang (Tabak Hka), the Mong Ka Hka and up the Shih Tzu (Paknoi Hka) River (the upper stretch of which is known as the Hkatong Hka River) to its source.

(3) From the source of the Shih Tzu (Paknoi Hka) River the line runs southwestwards and then westwards along the watershed between the Monglai Hka on the one hand and Pajao Hka, the Ma Li Ka River and the Nan Shan (Namsang Hka) River on the other, to the source of the Laisa Stream.

(4) From the source of the Laisa Stream, the line runs down the Laisa Stream and up the Mu Lei Chiang (Mole Chaung) and the Ga Yang Hka (Cheyang Hka), passing through Ma Po Tzu (A-Law-Hkyet), and then runs southwards down the Nan Pen Chiang (Nampaung Hka) to its junction with the Taping River; thence eastwards up the Taping River to the point where the Taping River meets a small ridge west of the junction of the Kuli Hka Stream with the Taping River.

(5) From the point where the Taping River meets the above-mentioned small ridge, the line runs along the watershed between the Kuli Hka Stream, the Husa (Namsa Hka) River and the tributaries of the Namwan River on the one hand and the tributaries of the Taping River west of the Kuli Hka Stream on the other, up to Pang Chien Shan (Pan Teng Shan).

(6) From Pang Chien Shan (Pan Teng Shan), the line runs southwards to join the Kindit Hka, then down the Kindit Hka and the Nam Wa Hka (Pang Ling River) to a point on the South bank of the Nam Wa Hka (Pang Ling) River southeast of Man Yung Hai Village and north of Nawng Sa Village, thence in a straight line southwestwards and then southwards to the Nan Sah (Manting Hka) River; then it runs down the course of the

Nan Sah (Manting Hka) River as at the time when the boundary was demarcated in the past, to its junction with the Namwan River, thence down the course of the Namwan River as it was at that time, to its junction with the course of the Shweli River as it was at that time.

- (7) From the junction of the courses of the Namwan River and the Shweli River as at the time when the boundary was demarcated in the past, to the junction of the Shweli and the Wanting (Nam Yang) Rivers, the location of the line shall be as delineated on the maps attached to the present Treaty. Thence the line runs up the course of the Wanting (Nam Yang) River as at the time when the boundary was demarcated in the past, and the Weishang Hka, then turns northwestwards along a tributary of the Nam Che Hka (Nam Hse) River to its junction with the Nam Che Hka (Nam Hse) River, thence eastwards up the Nam Che Hka (Nam Hse) River, passing through Ching Shu Pass, and thence along the Monglong Hka and the course of the Mong Ko (Nam Ko) River as at the time when the boundary was demarcated in the past, thence up the Nam Hkai and Nam Pang Wa Rivers, passing through a pass, and then along the Man Hsing (Nam Hpawn) River [whose upper stretch is known as the Nam Tep (Nam Lep) River] to its junction with the Nu (Salween) River, thence eastwards up the Nu (Salween) River to its junction with the Ti Kai Kou (Nan Men) Stream.
- (8) From the junction of the Nu (Salween) River with the Ti Kai Kou (Nan Men) Stream, the line runs southwards along the Ti Kai Kou (Nan Men) Stream, then southwestwards then southwards along the watershed between the Meng Peng Ho (the upper stretch of the Nam Peng River) on the one hand and the tributaries of the Nu (Salween) River on the other, up to Pao Lou Shan.
- (9) From Pao Lou Shan, the line runs southeastwards along the Wa Yao Kou Stream, the ridge south of the Mai Ti (Mai Ti Ho) River, the Pan Chiao Ho and Hsiao Lu Chang (Hsin Chai Kou) Stream up to the source of the Hsiao Lu Chang (Hsin Chai Kou) Stream. From the source of the above stream to the junction of the Nam Hpa and the Nam Ting Rivers, the location of the line shall be as delineated on the maps attached to the present Treaty. The line then runs eastwards for about four kilometres (about three miles) up the Nam Ting River and thence southeastwards along the northwest slope of Kummuta Shan (Loi Hseng) to the top of Kummuta Shan (Loi Hseng).
- (10) From the top of Kummuta Shan (Loi Hseng), the line runs southeastwards along a tributary of the Kung Meng Ho (Nam Loi-hsa) River to its junction with another tributary flowing in from the southeast; thence up the latter tributary to a point northwest of Maklawt (Ma-Law) Village. Thence, the line runs in a straight line to a point southwest of Maklawt (Ma-Law) Village, and again in a straight line across a tributary of the Yun Hsing (Nam Tap) River to Shien Jen Shan, located east of the junction of the above-mentioned tributary with another tributary of the Yun Hsing (Nam Tap) River; thence along the watershed between the above two tributaries of the Yun Hsing (Nam Tap) River to the source of the one to the west and then turns westwards and southwestwards along the Mong Ling Shan ridge, up to the top of Mong Ling Shan. Thence it runs eastwards and southeastwards along the Nam Pan River to its junction with a tributary, northeast of Yakaw Chai (Ya Kou Sai) Village, which flows in from the southwest; thence in a south-westerly direction up that tributary, to a point northeast of Yakaw Chai (Ya Kou Sai) Village, from where it turns southwards passing through a point east of Yakaw Chai (Ya Kou Sai) Village, and crosses a tributary of the Nam Pan River south of Yakaw Chai (Ya Kou Sai) Village, thence westwards to the source of the Nam

It River a little east of Chao Pao (Taklyet No) Village. Thence the line runs southwards along the Nam It and the Nam Mu Rivers, and then turns eastwards along the Nam Kunglong and the Chawk Hkrak Rivers to the northeast source of the Chawk Hkrak River.

- (11) From the northeast source of the Chawk Hkrak River, the line runs southwards and eastwards along the watershed between the upper tributaries of the Nam Kunglong River on the one hand and the southern tributaries of the Chawk Hkrak River and the Nan Tin (Nam Htung) River on the other, to a point on the west side of Umhpa Village. Thence it runs eastwards passing a point 100 metres north of Umhpa Village, and then eastwards up to the source of a small river on the above-mentioned watershed; thence along the ridge eastwards to the source of a tributary of the Mongtum (Nam Tum) River (the upper stretch of which is called the Ta Tung River), which it follows in an easterly and north-easterly direction to its junction with another tributary of the Mongtum (Nam Tum) River flowing in from the southeast; thence it follows this tributary to its source on the watershed between the Mongtum (Nam Tum) and Lung Ta Hsiao Ho (Nam Lawng) Rivers. It then crosses the watershed in an easterly direction to the source of the Lung Ta Hsiao Ho (Nam Lawng) River which it follows to its junction with its tributary flowing in from the north, thence in a northerly direction along the above-mentioned tributary, passing through a point on the Kanpinau Ridge, thence generally eastwards along a valley, crossing the junction of two subtributaries of a tributary of the Lung Ta Hsiao Ho (Nam Lawng) River, then northeastwards to the watershed between the Mongtum (Nam Tum) River on the one hand, and the Nam Ma River on the other, until it reaches height 1941.8 metres (6373 feet). Thence the line runs eastwards, then southwards and then northwestwards along the watershed between the Mongtum (Nam Tum), the La Meng (Nam Meng Ho), the He (He Ho), the Ku Hsing Ho (Nam Hka Lam) and the Nam Hka Hkao (Nam Hsiang Ho) Rivers on the one hand and the Nam Ma River on the other, up to a point on this watershed northwest of La Law Village.
- (12) From the point on the above-mentioned watershed northwest of La Law Village, the line runs down the nearest tributary of the Nam Hka Hkao River and thence down the Nam Hka Hkao River to its junction with a tributary flowing in from the southwest. Thence the line runs generally southwestwards up that tributary to its source, which is northeast of and nearest to height 2180 metres (7152 feet). Thence it crosses the ridge at a point 150 metres (492 feet) southeast of the above-mentioned height and then turns southwards to the source of the nearest tributary of the Nam Lung (Nam Sak) River, rising at the above-mentioned height. Thence it runs along this tributary to its junction with the Nam Lung (Nam Sak) River, from where it proceeds along the Nam Lung (Nam Sak), the Nam Hse and Nam Hka Rivers to the junction of the Nam Hka and the Nam Yung Rivers, and thence up the Nam Yung River to its source.
- (13) From the source of the Nam Yung River the line runs in a southeasterly direction to the watershed between the Na Wu (Nam Wong) and the Nam Pei (Nam Hpe) Rivers; thence generally eastwards along the above-mentioned watershed, and then eastwards along the Na Wu (Nam Wong) River, which it follows to its junction with the Nan Lai (Nam Lai) River, thence along the watershed between the Na Wu (Nam Wong) and the Nan Lai (Nam Lai) Rivers to the Anglang Shan (Loi Ang Lawng) ridge; thence northwards along the ridge to the top of Anglang Shan (Loi Ang Lawng); thence generally eastwards along the ridge, crosses the Nam Tung Chik (Nam Tonghkek) River and then follows the watershed between the tributaries on the west bank of the Nam Lei (Nam Lwe) River at the north of the La Ting (Hwe-kye-tai) River and the Nan

La Ho [a tributary of the Nan Ma (Nam Ma) River] on the one hand and the tributaries on the west bank of the Nam Lei (Nam Lwe) River at the south of the La Ting (Hwe-kye-tai) River on the other, up to the top of Pang Shun Shan (Loi Pang Hsun).

(14) From the top of Pang Shun Shan (Loi Pang Hsun) the line runs generally eastwards along the La Ting (Hwe-kye-tai) River, the Nam Lei (Nam Lwe) River, the course of the Nan Lo (Nam Law) Stream as at the time when the boundary was demarcated in the past, and the Nan Wo (Nambok) River to the source of the Nan Wo (Nambok) River at Nan Wo Kai Nan Shan (Loi Kwainang).

(15) From the source of the Nan Wo (Nambok) River at Nan Wo Kai Nan Shan (Loi Kwainang) the line runs generally eastwards along the watershed between the Nan La (Nam Lak) [a tributary of the Nam Lei (Nam Lwe) River], the Nan Pai (Nam Hpe) and the Nan Hsi (Nam Hok) Rivers on the one hand and the Nan Ping (Nam Hpen), the Nan Mau (Nam Mawng) and the Nan Hsi Pang (Nam Hsi Pang) Rivers on the other, up to San Min Po (Loi Hsammong).

(16) From San Min Po (Loi Hsammong) the line runs in a general northeasterly direction to a point on the west bank of the Nam Lam River. Thence it descends the Nam Lam River to the foot of Chiu Na Shan (Kyu-nak) on the south bank of the Nam Lam River and then runs in a general south-easterly direction passing through Hue Ling Lang (Hwe Mawk-hkio) La Ti (La Tip), Nan Meng Hao (Nam-mongHau) to Mai Niu Tung (Mai Niu-tawng); thence the line runs in a general north-easterly direction passing through Lung Man Tang (Long-man-tang) to the Hui La (Hwe-La) Stream, which it follows northwards to its junction with the Nam Lam River. Thence the line runs eastwards and southwards along the Nam Lam, the Nan Chih (Nam Se) Rivers and the Nam Chia (Hwe Sak) Stream, to Lei Len Ti Fa Shan (Loi Len Ti Hpa). The line then follows the Nam Mot (Nan Mai), the Nan Tung (Nam Tung) and the Nam Ta Rivers to Hsing Kang Lei Shan (Loi Makhin kawng).

(17) From Hsing Kang Lei Shan (Loi Makhin-kawng) the line runs eastwards along the watershed between the Ngam Nga River and its upper tributaries on the one hand and Nam Loi River (including its tributary the Nam He River) on the other, to the top of Kwang Pien Nei Shan (Kwang Peknoi).

(18) From the top of Kwang Pien Nei Shan (Kwang Peknoi) the line runs generally northeastwards along the Hue Le (Nam Luk) River and the course of the Nam Nga River as at the time when the boundary was demarcated in the past, to the junction of the Nam Nga and the Lanchang (Mekong) Rivers; thence down the Lanchang (Mekong) River up to the southeastern extremity of the Sino-Burmese boundary line at the junction of the Nam La and the Lanchang (Mekong) Rivers.

3. The alignment of the entire boundary line between the two countries described in this Article and the location of the temporary boundary marks erected by both sides during joint survey are shown on the 1:250 000 maps indicating the entire boundary and on the 1:50 000 maps of certain areas, which are attached to the present Treaty.

**Article VIII.** - The Contracting Parties agree that wherever the boundary follows a river, the midstream line shall be the boundary in the case of an unnavigable river, and the middle line of the main navigational channel (the deepest watercourse) shall be the boundary in the case of a navigable river. In

case the boundary river changes its course, the boundary line between the two countries shall remain unchanged in the absence of other agreements between the two sides.

...

Upon the conclusion of the above-mentioned protocol, the tasks of the Burmese-Chinese Joint Boundary Committee shall be terminated, and the Agreement between the two Parties on the Question of the Boundary Between the Two Countries of January 28, 1960<sup>26</sup> shall cease to be in force.

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<sup>26</sup>British and Foreign State Papers, Vol. 164, p. 651.

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**PROTOCOL<sup>27</sup> BETWEEN THE GOVERNMENT OF THE UNION  
OF BURMA AND THE GOVERNMENT OF THE PEOPLE'S  
REPUBLIC OF CHINA RELATING TO THE BOUNDARY  
BETWEEN THE TWO COUNTRIES, SIGNED AT PEKING  
ON 13 OCTOBER 1961<sup>28</sup>.**

The Government of the Union of Burma and the Government of the People's Republic of China.

Considering that the Burmese-Chinese Joint Boundary Committee, in pursuance of the provisions of the Boundary Treaty between Burma and China of 1 October 1960<sup>29</sup>, has successfully completed the task of surveying the boundary line between the two countries and erecting the boundary markers and has thereby clearly demarcated the boundary line between the two countries, and

Being deeply convinced that this will help further consolidate the boundary of peace and friendship between the two countries established on the basis of the Five Principles of Peaceful Coexistence,

Have, in accordance with Article X of the Boundary Treaty between Burma and China, signed the present Protocol.

PART 1

**General Provisions**

**Article 1.** - The boundary line between Burma and China, with the exception of its western extremity which is pending final determination, has been surveyed on the spot and demarcated by the two Parties in pursuance of Article VII of the Boundary Treaty between Burma and China. The alignment of the boundary line as surveyed and demarcated by the two Parties is described in more detail in the present Protocol than in the Treaty. Hereafter, the specific alignment of the boundary line between the two countries shall be as provided for in the present Protocol.

**Article 2.** - Wherever the boundary is to follow a watershed as stipulated in Article VII of the Boundary Treaty between Burma and China, the watershed ridge shall be the boundary line between the two countries. In a few particular sectors of the boundary, the two Parties have specifically demarcated the boundary line with due regard to the actual features of the terrain and the administrative jurisdiction of the two countries.

**Article 3.** - In some places of the sectors where the boundary is to follow a river course as at the time when the boundary was demarcated in the past, as stipulated in Article VII of the Boundary Treaty between Burma and China, the two Parties have specifically demarcated the boundary line, taking into account the convenience for administrative jurisdiction of the two countries together with the actual features of the terrain.

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<sup>27</sup>Came into force on 22 February 1962.

<sup>28</sup>United Nations, Treaty Series, Vol. 1010, p. 162.

<sup>29</sup>See No. 8.



**Article 4.** - The boundary rivers between Burma and China having now been regarded as unnavigable rivers, the boundary shall follow the midstream line as stipulated in Article VIII of the Boundary Treaty between Burma and China. Such midstream line is determined by the average high water level of the river.

**Article 5.** - Islands and sand-bars in the boundary rivers situated on the Chinese side of the midstream line shall belong to China and islands and sand-bars situated on the Burmese side of the midstream line shall belong to Burma. The ownership of islands and sand-bars intersected by the midstream line has been determined through mutual consultation on the basis of fairness and reasonableness.

In case new islands and sand-bars hereafter emerge in the boundary rivers, they shall respectively belong to China or Burma according to their location in relation to the midstream line. The ownership of new islands and sand-bars intersected by the midstream line shall be determined by the two Parties through mutual consultation on the basis of fairness and reasonableness.

**Article 6.** - The boundary markers erected by the two Parties along the boundary line between the two countries are numbered in serial order from the High Conical Peak northwards and southwards. The High Conical Peak is the common starting point of the northern and southern sections; and the serial numbers from the High Conical Peak northwards are Nos. 1 to 47, while those southwards to the southeastern extremity at the junction of the Nam La and Lantsang (Mekong) River are Nos. 1 to 244.

Each serially numbered boundary marker may consist of one, two or three boundary markers. The principles guiding the erection of one, two or three boundary markers bearing one serial number are as follows:

- (1) Wherever a boundary marker is located on the boundary line running on land, only a single boundary marker is erected.
- (2) Wherever the boundary line running on land meets a boundary river which it follows or wherever the boundary line running along a boundary river leaves the river and runs onto land, either one marker may be erected on the bank where it is intersected by the boundary line or two markers bearing the same serial number may be erected, one on each bank of the river.
- (3) Wherever a boundary marker is located on the boundary line which follows a river, two markers bearing the same serial number may be erected, one on each bank of the river.
- (4) Wherever a boundary marker is located at the junction of a boundary river and a non-boundary river, two markers bearing the same serial number may be erected, one on each bank of the boundary river.
- (5) Wherever a boundary marker is located at the junction of two boundary rivers, three markers bearing the same serial number may be erected, one on each bank of the junction of the rivers. In certain cases, however, only two markers bearing the same serial number may be erected, one on each bank of one of the boundary rivers.

...

**Article 42.** - The Contracting Parties shall, as far as possible, prevent the boundary rivers from changing their courses. Neither Party shall purposely change the course of any boundary river.

In order to prevent the boundary rivers from changing their courses, the Contracting Parties may jointly adopt such measures as they deem necessary; either Party may also, without affecting the interests of the other Party, adopt similar measures separately in its own territory after notifying the other Party; but if the other Party suffers any loss therefrom, suitable compensation shall be made.

In case a boundary river changes its course, necessary measures shall be taken by the two Parties jointly or, after mutual consultation, by one of the Parties separately, to restore the boundary river to its original course.

In case a boundary river cannot be restored to its original course owing to natural causes, this sector of the boundary, in accordance with the provisions of Article VIII of the Boundary Treaty between Burma and China, shall remain unchanged in the absence of other agreements between the two Parties.

**Article 43.** - Each Contracting Party shall, according to the seriousness of each case, take action against those who wilfully remove, damage or destroy any boundary-marking objects or purposely change the course of any boundary river.

**Article 44.** - The Contracting Parties agree that the boundary rivers and canals between the two countries shall be used by both Parties. In case either Party in the course of putting up hydro-projects and water conservancy and irrigation works on the boundary river finds it necessary to go beyond the midstream line, it shall obtain the consent of the other Party in advance.

The use of the boundary water and the putting up of hydro-projects and water conservancy and irrigation works as mentioned above shall not change the alignment of the boundary line.

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**10**  
**AGREEMENT<sup>30</sup> BETWEEN THE GOVERNMENT OF THE UNION  
OF BURMA AND THE GOVERNMENT OF THE ISLAMIC  
REPUBLIC OF PAKISTAN ON THE DEMARCATION OF A FIXED  
BOUNDARY BETWEEN THE TWO COUNTRIES IN THE NAAF  
RIVER, SIGNED AT RAWALPINDI ON 9 MAY 1966<sup>31</sup>**

**Preamble**

The Government of the Union of Burma and the Government of the Islamic Republic of Pakistan,

Having agreed that the fluctuating boundary in the Naaf River section of the inherited Burma-Pakistan international boundary, formed by the middle line of the main navigable channel (the deepest water-course), shall be converted into a fixed one once for all along the existing middle line of the main navigable channel (the deepest water-course), as ascertained and determined by a Joint Burma-Pakistan Hydrographic Survey Party, and having taken the necessary steps to that end;

Firmly believing that such conversion of the fluctuating international boundary in the Naaf River into a fixed international boundary will promote peace, order and good-neighbourly relations on the border of the two countries;

Have resolved for the purpose in view to conclude the present Agreement.

**Article One.** - The present Agreement deals with the international boundary only in the Naaf River Section stretching from the mouth of the Naaf River northward to the mouth of the Machhkajia Khal at its junction with the Changai Chaung.

**Article Two.** - The Contracting Parties agree that, for certainty and definitiveness, the fluctuating international boundary in the River Section formed by the middle line of the main navigable channel of the Naaf River, as ascertained and determined by the Joint Burma-Pakistan Hydrographic Survey Party, shall be deemed to be fixed international boundary once for all with effect from the date the present Agreement comes into force irrespective of any changes that may occur in the course of the main navigable channel of the Naaf River.

**Article Three.** - The fixed international boundary line in the Naaf River formed by the middle line of the main navigable channel, as ascertained and determined by the Joint Burma-Pakistan Hydrographic Survey Party, is charted in Sheets I, II and III attached to the Protocol between the Government of the Union of Burma and the Government of the Islamic Republic of Pakistan on the Demarcation of a Fixed Boundary between the Two Countries in the Naaf River signed on the 28th April, 1966 at Rangoon by U Ohn Khin, Executive Secretary, Foreign Office, for the Government of the Union of Burma and by His Excellency Mr. Habibur Rahman, Ambassador of Pakistan, for the Government of the Islamic Republic

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<sup>30</sup>Came into force on 9 May 1966.

<sup>31</sup>United Nations, Treaty Series, Vol. 1014, p. 3.

of Pakistan, and the above-mentioned Protocol is annexed to this Agreement and forms an integral part thereof.

**Article Four.** - The description of the agreed international boundary line in the Naaf River shall be as set forth in Article III of the Protocol referred to in Article Three above.

**Article Five.** - The Contracting Parties agree that, after the coming into force of the present Agreement, neither Party shall conduct river training works or utilise the flow of the Naaf River or its waters on its own side of the international boundary for industrial purposes, drainage, water conservancy, irrigation, generation of hydro-electric power and the like to such an extent as to prejudice the interests of the other Party.

**Article Six.** - Each Contracting Party shall construct, before the end of May 1967, beacons of the agreed designs over the Reference Markers on its side of the Naaf River; and shall adopt necessary measures to maintain those Reference Markers together with the beacons to prevent their removal, damage or destruction as specified in the Annex to the present Agreement.

**Article Seven.** - In case new islands emerge and are intersected by the fixed international boundary line, the two Contracting Parties shall, at the instance of either Party, take up the question of demarcating the boundary line thereon.

**Article Eight.** - The rights of navigation for vessels of both the countries shall be fully guaranteed, irrespective of whether the main navigable channel subsequently changes its course.

If a vessel of one Contracting Party or its nationals is in distress or is wrecked in the part of the Naaf River belonging to the other Party, the necessary aid and assistance shall be afforded by the latter, at all times and in the same manner as in the case of national vessels, to the master, crew and passengers and to the vessel and its cargo. The Contracting Parties agree that articles salvaged from a vessel which has been in distress or wrecked, shall not be liable to customs duties and other rates and taxes, provided that such articles are not intended for consumption inside the country.

The term "vessel", as used in the present Agreement, means all types of vessels, whether privately owned or operated, or state owned or operated.

**Article Nine.** - The Contracting Parties agree that any difference or dispute concerning the interpretation or application of the present Agreement or concerning the international boundary between the two countries dealt with in the present Agreement which may arise after the coming into force of the present Agreement shall be settled through friendly consultations.

**Article Ten.** - The present Agreement shall come into force on the date of signature.

Upon the coming into force of the present Agreement, all agreements and understandings prior to the Memorandum of Agreement signed on January 21, 1964 at Rangoon by the Foreign Ministers of the two countries shall cease to be in force in so far as they relate to the Naaf River section of the inherited Burma-Pakistan international boundary.

...

**PROTOCOL BETWEEN THE GOVERNMENT OF THE UNION OF BURMA  
AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN<sup>32</sup>  
ON THE DEMARCATION OF A FIXED BOUNDARY BETWEEN THE TWO  
COUNTRIES IN THE NAAF RIVER**

The Government of the Union of Burma and the Government of the Islamic Republic of Pakistan,

Considering that a Joint Burma-Pakistan Hydrographic Survey Party composed of a Burma Navy Team led by Captain Chit Ko Ko, B.N. and a Pakistan Navy Team led by Commander S. Mazhar Ahmed, T.Q.A., P.N., in pursuance of the provisions of the Memorandum of Agreement between the Union of Burma and the Islamic Republic of Pakistan relating to the Demarcation of a Fixed Boundary between the Two Countries in the Naaf River signed by the Foreign Ministers of the two countries, has successfully completed the joint hydrographic survey and as a result of the survey produced an up-to-date chart of the Naaf River in three sheets, namely Sheet I, Sheet II and Sheet III, thus determining on this chart the main navigable channel along the middle of which the boundary line has been demarcated to denote the boundary between Burma and Pakistan in the Naaf River from its mouth northward to the mouth the Machhkajia Khal at its junction with the Changai Chaung on a fixed basis,

Have signed the present Protocol.

**Article 1.** - The triangulation stations established by the Joint Burma-Pakistan Hydrographic Survey Party on both banks of the Naaf River during the survey will be used as reference points to determine and to define the agreed boundary line in the Naaf River. These triangulation stations will be referred to as Reference Markers and are:

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<sup>32</sup>Signed at Rangoon on 28 April 1966.

**11**  
**BOUNDARY AGREEMENT<sup>33</sup> BETWEEN CHINA AND**  
**PAKISTAN, SIGNED AT PEKING ON 2 MARCH 1963<sup>34</sup>**

**Article One**

In view of the fact that the boundary between China's Sinkiang and the contiguous areas, the defense of which is under the actual control of Pakistan, has never been formally delimited, the two Parties agree to delimit it on the basis of the traditional customary boundary line, including natural features, and in a spirit of equality, mutual benefit, and friendly cooperation.

**Article Two**

I. In accordance with the principle expounded in Article One of the present Agreement, the two Parties have fixed, as follows, the alignment of the entire boundary line between China's Sinkiang and the contiguous areas, the defense of which is under the actual control of Pakistan.

(1) Commencing from its northwestern extremity at Height 5630 metres (a peak, the reference co-ordinates of which are approximately Longitude 74° 34' E and Latitude 37° 03' N), the boundary line runs generally eastward and then southeastward strictly along the main watershed between the tributaries of the Tashkurgan River of the Tarim River system on the one hand and the tributaries of the Hunza River of the Indus River system on the other hand, passing through the Kilik Daban (Dawan), the Mintaka Daban (Pass), the Kharchanai Daban (named on the Chinese map only), the Kutejilga Daban (named on the Chinese map only), and the Parpik Pass (named on the Pakistan map only), and reaches the Khunjerab (Yutr) Daban (Pass).

(2) After passing through the Khunjerab (Yutr) Daban (Pass), the boundary line runs generally southward along the above-mentioned main watershed up to a mountain top south of the Daban (Pass), where it leaves the main watershed to follow the crest of a spur lying generally in southeasterly direction, which is the watershed between the Akjilga River (a nameless corresponding river on the Pakistan map on the one hand, and the Taghdumbash (Oprang River) and the Keliman Su (Oprang Jilga) on the other hand. According to the map of the Chinese side, the boundary line, after leaving the southeastern extremity of this spur, runs along a small section of the middle line of the bed of the Keliman Su to reach its confluence with the Kelechin River. According to the map of the Pakistan side, the boundary line, after leaving the southeastern extremity of this spur, reaches the sharp bend of the Shaksgam or Muztagh River.

(3) From the aforesaid point, the boundary line runs up the Kelechin River (Shakagam or Muztagh River) along the middle line of its bed to its confluence (reference

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<sup>33</sup>Came into force on 2 March 1963.

<sup>34</sup>International Legal Materials, Vol. 2, 1963, p. 541.

co-ordinates approximately Longitude 76° 02' E and Latitude 36° 26' N) with the Sorbulak Daria (Shimshal River or Braldu River).

(4) From the confluence of the aforesaid two rivers, the boundary line, according to the map of the Chinese side, ascends the crest of a spur and runs along it to join the Karakoram Range main watershed at a mountain-top (reference co-ordinates approximately Longitude 75° 54' E and Latitude 36° 15' N), which on this map is shown as belonging to the Shorbulak Mountain. According to the map of the Pakistan side, the boundary line from the confluence of the above-mentioned two rivers ascends the crest of a corresponding spur and runs along it, passing through Height 6520 meters (21,390 feet) till it joins the Karakoram Range main watershed at a peak (reference co-ordinates approximately Longitude 75° 57' E and Latitude 36° 03' N).

(5) Thence, the boundary line, running generally southward and then eastward, strictly follows the Karakoram Range main watershed which separates the Tarim River drainage system from the Indus River drainage system, passing through the East Mustagh Pass (Muztagh Pass, the top of the Chogri Peak (K2), the top of the Broad Peak, the top of the Gasherbrum Mountain (8068) Indirakoli Pass (named on the Chinese map only) and the top of the Teram Kangri Peak, and reaches its southeastern extremity at the Karakoram Pass.

II. The alignment of the entire boundary line, as described in Section I of this Article, has been drawn on the 1/one million scale map of the Chinese side in Chinese and the 1/one million scale map of the Pakistan side in English, which are signed and attached to the present Agreement.

III. In view of the fact that the maps of the two sides are not fully identical in their representation of topographical features, the two Parties have agreed that the actual features on the ground shall prevail, so far as the location and alignment of the boundary described in Section I is concerned; and that they will be determined as far as possible by joint survey on the ground.

### **Article Three**

The two Parties have agreed that:

I. Wherever the boundary follows a river, the middle line of the river bed shall be the boundary line; and that

II. Wherever the boundary passes through Daban (Pass), the water-parting line thereof shall be the boundary line.

### **Article Four**

I. The two Parties have agreed to set up, as soon as possible, a Joint Boundary Demarcation Commission. Each side will appoint a Chairman, one or more members and a certain number of Advisers and technical staff. The Joint Boundary Commission is charged with the responsibility, in accordance with the provisions of the present Agreement, to hold concrete discussions on and carry out the following tasks jointly:

(1) To conduct necessary surveys of the boundary area on the ground, as stated in Article Two of the present Agreement, so as to set up boundary markers at places considered to be appropriate by the two Parties and to delineate the boundary line on the jointly prepared

accurate maps.

- (2) To draft a Protocol setting forth in detail the alignment of the entire boundary line and location of all the boundary markers and prepare and get printed detailed maps to be attached to the Protocol with the boundary line and the location of the boundary markers shown on them.

II. The aforesaid Protocol, upon being signed by the representatives of the Governments of the two countries, shall become an Annex to the present Agreement, and the detailed maps shall replace the Attached Maps to the present Agreement.

III. Upon the conclusion of the above-mentioned Protocol, the tasks of the Joint Commission shall be terminated.

#### **Article Five**

The two Parties have agreed that any dispute concerning the boundary which may arise after the delimitation of the boundary line actually existing between the two countries shall be settled peacefully by the two sides through friendly consultations.

#### **Article Six**

The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will re-open negotiations with the Government of the People's Republic of China, on the boundary, as described in Article Two of the present Agreement of Kashmir, so as to sign a Boundary Treaty to replace the present Agreement.

Provided that in the event of that sovereign authority being Pakistan, the provisions of this Agreement and of the aforesaid Protocol shall be maintained in the formal Boundary Treaty to be signed between Pakistan and the People's Republic of China.

...



**12**  
**PROTOCOL<sup>35</sup> BETWEEN CHINA AND RUSSIA FOR THE  
DELIMITATION OF THE FRONTIER ALONG THE  
RIVER HORGOS, SIGNED AT KURE ON 12 JUNE 1915<sup>36</sup>**

We, the delegates of the mixed Russo-Chinese commission, comprising, from the Imperial Russian Government Collegiate Assessor Biseroff, acting Chief Official for Special Services, attached to the Military Governor of Semiretchensk Province, Collegiate Secretary Mochoff, Surveyor to the Provincial Administration of Semiretchensk, and Yunicheff, Aksakal of the Consulate in Kuldja; and from the Chinese Republic, the Solon Amban Fushan, the Acting Magistrate Hwang Sheng of the Horgos District, and Hsü Chi Hsien, Official on Special Service, in the presence of the Imperial Russian Consul in Kuldja, Brodianski, Messrs. Chen Show Hsi, Yen Fei Hsiang, and Taoyin Hsu Chin have agreed:

to commence the erection of temporary survey marks along the course of the River Horgos upwards from the point where the bed, issuing from the mountains, splits up into several branches (above the height of the Horgos) to the disputed island, - this latter to be divided into two halves from north to south, the eastern side going to China and the western to Russia, - up to the junction of the two rivulets issuing from their sources (the Karasuk rivulets) further on forming the channel of the River Horgos along which the frontier continues to the River Ili. The use of the water of the River Horgos to be fixed thus: the mountain water of the River Horgos to be left for the use of both states at that part at which, at the present time, irrigation canals lead off water; on both sides of the River Horgos belonging to China and Russia the water from the source (Karasuk) below the island (with the exception of the irrigation canal carrying water in Russian territory from the rivulet of origin at a point above the junction of the rivulets from source) to be equally divided. Into the dry channel the head of which is above the Chinese post of Fulgen-Alinn, the Chinese bind themselves to let in water only in such quantities as are required for the above-mentioned post.

...

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<sup>35</sup>No information is available regarding the entry into force of this Protocol.

<sup>36</sup>Parry, The Consolidated Treaty Series, Vol. 221, p. 106.

**13**  
**EXCHANGE OF NOTES<sup>37</sup> BETWEEN HIS MAJESTY'S  
GOVERNMENT IN THE UNITED KINGDOM AND THE  
GOVERNMENT OF INDIA AND THE CHINESE GOVERNMENT  
REGARDING THE ESTABLISHMENT OF A COMMISSION TO  
DETERMINE THE SOUTHERN SECTION OF THE BOUNDARY  
BETWEEN BURMA AND YUNNAN, DONE AT  
NANKING ON 9 APRIL 1935<sup>38</sup>**

I.

Sir A. Cadogan to Mr. Wang Ching-Wei.

Nanking, April 9, 1935.

Sir,

With reference to our recent discussions concerning the proposed method of settling the question of the undemarcated southern section of the Burma-Yunnan frontier referred to in paragraphs 3 and 4 of Article 3 of the Agreement<sup>39</sup> between Great Britain and China, signed at Peking on the 4th February, 1897, I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom and the Government of India accept the following terms of reference concerning the establishment and functions of a Boundary Commission to be charged with the investigation of the undemarcated portion of the frontier in question:

(1) The National Government of the Republic of China on the one side, and His Majesty's Government in the United Kingdom and the Government of India on the other, being desirous of settling long-outstanding questions relative to the southern section of the Yunnan-Burma frontier and actuated by a genuine spirit of mutual conciliation and compromise, have agreed to establish a joint Boundary Commission to be composed of five Commissioners, two to be appointed by each side, and a neutral Commissioner appointed by the President of the Council of the League of Nations, the neutral Commissioner acting as Chairman of the Commission and having a deciding vote in cases where the opinions of the other Commissioners are evenly divided.

(2) The first duty of the Commission shall be to ascertain and determine on the ground and fix on the map the line prescribed in paragraphs 3 and 4 of Article 3 of the Agreement of 1897 so far as they relate to the undemarcated portion of the frontier. In thus interpreting the Treaty provisions on which the Governments concerned have hitherto failed to arrive at an agreed interpretation, the Commission shall give due consideration to all the provisions and indications in the paragraphs of the Agreement of 1897 referred to above, namely, the co-ordinated points and the watershed and the geographical names mentioned.

(3) It shall be the second duty of the Commission to report *ad referendum* to the Governments concerned in the light of their local examination of the ground on cases, as indicated in

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<sup>37</sup>League of Nations, Treaty Series, Vol. 163, p. 178.

<sup>38</sup>Came into force on 9 April 1935.

<sup>39</sup>British and Foreign State Papers, Vol. 89, p. 25.

Article 6 of the Agreement, in which the question appears to them to arise of local modifications of the general Treaty line on the basis of mutual concessions.

(4) The Chinese and British Commissioners may submit, if they deem it necessary, their personal viewpoints to the Governments concerned for their consideration.

I have the honour to request that your Excellency will confirm that the National Government of the Republic of China accept the above terms of reference.

...

II.

Mr. Wang Ching-Wei to Sir A. Cadogan.

Nanking, April 9, 1935.

Sir,

I have the honour to acknowledge receipt of your Excellency's Note of to-day's date, which reads as follows:

(As in No. I.)

In reply I have the honour to confirm that the National Government of the Republic of China also accepts the terms of reference, as quoted above, concerning the establishment and functions of a Boundary Commission to be charged with the investigation of the undemarcated portion of the southern section of the Yunnan-Burma frontier.

...

III.

Sir A. Cadogan to Mr. Wang Ching-Wei

Nanking, April 9, 1935.

Sir,

With reference to the Notes exchanged between us to-day concerning the establishment and functions of a Boundary Commission for the investigation of the undemarcated portion of the southern section of the Burma-Yunnan frontier, I have the honour to confirm on behalf of His Majesty's Government in the United Kingdom and the Government of India that the following additional understanding has been reached between our respective Governments regarding the proposed negotiations for a settlement of the undemarcated section of the frontier:

The question of any modifications in the light of the report of the Commission, or in the light of such topographical, historical or political factors as may appear relevant, will be subsequently negotiated in a spirit of mutual conciliation and compromise. For the purpose of such future negotiations a Conference will, if necessary, be convened at Nanking between representatives of the Governments concerned - including representatives of Yunnan and Burma. The results of the Report of the Commission and of any such subsequent negotiations will be embodied in a new Agreement. Pending the conclusion of such an Agreement, the Governments concerned will reserve the position which they have heretofore respectively maintained regarding the frontier in question.

I have the honour to request your Excellency's confirmation on behalf of the National Government of the Republic of China of the above additional understanding concerning the proposed negotiations.

...

#### IV.

Mr. Wang Ching-Wei to Sir A. Cadogan.

Nanking, April 9, 1935.

Sir,

I have the honour to acknowledge your Excellency's Note of to-day's date, which reads as follows:

(As in No. III.)

On behalf of the National Government of the Republic of China, I have the honour to confirm the above understanding.

...

14  
**EXCHANGES OF NOTES<sup>40</sup> BETWEEN CHINA AND  
THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND ON THE DEMARCATION OF  
THE SOUTHERN SECTION OF THE YUNNAN-BURMA  
BOUNDARY AND THE JOINT EXPLOITATION OF  
THE LUFANG MINES, DONE AT CHUNGKING  
ON 18 JUNE 1941<sup>41</sup>**

Note from Dr. Wang Chung-hui, Minister for Foreign Affairs, to  
Sir Archibald Clark Kerr, British Ambassador

Waichiaopu, Chungking, June 18, 1941

Sir,

I have the honour to refer to the notes exchanged between Your Excellency's predecessor and the then Minister for Foreign Affairs on the 9 April 1935<sup>42</sup> defining the terms of reference of a Boundary Commission to be charged with the investigation of the undemarcated southern section of the Yunnan-Burma frontier; and to the additional understanding embodied in further Notes exchanged upon the same day.

The Joint Boundary Commission having been duly established and having submitted its report to our respective Governments in accordance with its terms of reference, the question of modifications of the general treaty line found by the Commission has since been under negotiations between the National Government of the Republic of China on the one hand and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of Burma (as the successor in interest of the Government of India) on the other, as provided in the additional understanding of the 9th April 1935.

I now have the honour to inform Your Excellency that the National Government of the Republic of China agrees that for the boundary line described in paragraphs 3 and 4 of Article 3 of the Agreement between China and Great Britain, signed at Peking on the 4th February 1897<sup>43</sup> shall be substituted the following:

"The line commences at the confluence of the Nam Hpa (Nam P'a Ho) with the Nam Ting (Nam Tin Ho), where Boundary Pillar No. 97 of the northern demarcated section is erected, and ascends the Nam Ting for a distance of about three miles to a point in the neighbourhood of the village of Pang Kwi where Cairn No. 1 was erected by the Sino-British Commission in 1899-1900 on the left bank of the Nam Ting at the point where a spur strikes the river. The frontier then follows this spur generally in a southerly direction to Cairn No. 2, where the road from Hopang to Mengting crosses the spur, and thence to Cairn No. 3 on the summit of the hill known as Loi Hseng (1366). It then follows the watershed between the basin of the Nam Tap including the Nam Loi Hsa (which, also known as the Kung Meng Ho, is a tributary of the Nam Tap, joining it through or under a natural bridge) and the basins of the

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<sup>40</sup>Came into force on 18 June 1941.

<sup>41</sup>United Nations, Treaty Series, vol. 10, p.228.

<sup>42</sup>League of Nations, Treaty Series, Vol. 163, p. 177.

<sup>43</sup>British and Foreign State Papers, Vol. 89, p. 25.

Namhka and the Nam Kun (Hei Ho) to hill 2360 (approximately longitude  $98^{\circ} 57' 14''$  and latitude  $23^{\circ} 21' 40''$ ). Thence it descends the nearest tributary of the Nam Pan stream (Chin Ho) which has its source about half mile west of hill 2303 and follows the Nam Pan stream to its confluence with the Nam Kunglong (approximately longitude  $99^{\circ} 0' 30''$  and latitude  $23^{\circ} 14' 48''$ ). It then descends the Nam Kunglong to the point where that river is joined by a tributary on its left bank at approximately longitude  $98^{\circ} 59' 50''$  and latitude  $23^{\circ} 13' 20''$ ; the line then ascends that tributary to its source and continues south-eastwards on to a ridge along which it proceeds to hill 1970 (approximately longitude  $99^{\circ} 3' 58''$  and latitude  $23^{\circ} 10' 42''$ ); thence it proceeds southwards along the same ridge to hill 1770 (approximately longitude  $99^{\circ} 3' 27''$  and latitude  $23^{\circ} 7' 25''$ ). The line then proceeds generally eastwards along the watershed between the basins of the Nam Kunglong and the Nam Htung till it strikes the point on the Salween-Mekong watershed (approximately longitude  $99^{\circ} 10'$  and latitude  $23^{\circ} 6' 23''$ ) about a mile south of hill 2179. Thence it follows the Salween-Mekong watershed first generally in an easterly direction to a point just south of hill 2178 and then generally in a southerly direction over hill 2146 to hill 1930 (approximately longitude  $99^{\circ} 34'$  and latitude  $22^{\circ} 56'$ ). Thence it proceeds first in a south-westerly, then westerly and finally north-westerly direction along the watershed between the basin of the Nam Ma and the basins of the Nam Hka Lam (Ku Hsing Ho) and the Nam Hka Hkao (Nan Hsiang Ho) to hill 1523 (approximately longitude  $99^{\circ} 26' 43''$  and latitude  $22^{\circ} 56' 43''$ ); thence it descends the nearest tributary of the Nam Hka Hkao and follows that river down to approximately latitude  $22^{\circ} 50' 52''$ , where it is joined by a tributary on its right bank. The line then ascends this tributary in a westerly and south-westerly direction to its source and crosses the ridge, of which hill 2180 (approximately longitude  $99^{\circ} 24' 38''$  and latitude  $22^{\circ} 48' 37''$ ) is the highest point, by the most direct route to the source of the nearest tributary of the Nam Sak and follows that stream down to its confluence with the Nam Hse (approximately longitude  $99^{\circ} 18' 42''$  and latitude  $22^{\circ} 44' 18''$ ); thence it descends the Nam Hse to its confluence with the Nam Hka (approximately longitude  $99^{\circ} 23' 20''$  and latitude  $22^{\circ} 35' 10''$ ) and thence it follows the Nam Hka river downstream to Boundary Pillar No. 1 of the southern demarcated section"

...

Reply of Sir Archibald Clark Kerr, British Ambassador, to  
Dr. Wang Chung-hui, Minister for Foreign Affairs

BRITISH EMBASSY

Chungking, June 18, 1941

Sir,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows:

...

Note from Sir Archibald Clark Kerr, British Ambassador, to  
Dr. Wang Chung-hui, Minister for Foreign Affairs

BRITISH EMBASSY

Chungking, June 18, 1941

Sir,

With reference to the Notes exchanged between us today regarding the determination of the southern section of the boundary between Burma and Yunnan, I am authorized by the Government of Burma to inform Your Excellency's Government that the Government of Burma is willing as a gesture of goodwill to undertake to permit Chinese participation in any mining enterprises which may be undertaken by British concerns on the eastern slopes of the Lufang ridge provided that Chinese interests in these enterprises do not exceed 49 percent of the total of the capital of each enterprise.

The area in question is shown enclosed by a red line on the attached map and its boundaries are as follows:

A line commencing at the summit hill 2304 running along the ridge to the hill of Lufang Camp (2025), thence along the ridge to Man Hsiang village, thence in a south-easterly direction down the ridge to join the Nam It stream, thence following the course of the Nam It upstream to its source below the peak of hill 2304, thence to the summit of hill 2304.

...

Reply of Dr. Wang Chung-hui, Minister of Foreign Affairs, to  
Sir Archibald Clark Kerr, British Ambassador

Waichiaopu, Chungking, June 18, 1941

Sir,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows:

...

**15**  
**INTER-DOMINION AGREEMENT<sup>44</sup> BETWEEN THE**  
**GOVERNMENT OF INDIA AND THE GOVERNMENT**  
**OF PAKISTAN, ON THE CANAL WATER DISPUTE**  
**BETWEEN EAST AND WEST PUNJAB, SIGNED AT**  
**NEW DELHI ON 4 MAY 1948<sup>45</sup>**

A dispute has arisen between the East and West Punjab Governments regarding the supply by East Punjab of water to the Central Bari Doab and the Depalpur canals in the West Punjab. The contention of the East Punjab Government is that under the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, and the Arbitral Award the proprietary rights in the waters of the rivers in East Punjab vest wholly in the East Punjab Government and that the West Punjab Government cannot claim any share of these waters as a right. The West Punjab Government disputes this contention, its view being that the point has conclusively been decided in its favour by implication by the Arbitral Award and that in accordance with international law and equity, West Punjab has a right to the waters of the East Punjab rivers.

2. The East Punjab Government has revived the flow of water into these canals on certain conditions of which two are disputed by West Punjab. One, which arises out of the contention in paragraph 1, is the right to the levy of seigniorage charges for water and the other is the question of the capital cost of the Madhopur Head Works and carrier channels to be taken into account.

3. The East and West Punjab Governments are anxious that this question should be settled in a spirit of goodwill and friendship. Without prejudice to its legal rights in the matter the East Punjab Government has assured the West Punjab Government that it has no intention suddenly to withhold water from West Punjab without giving it time to tap alternative sources. The West Punjab Government on its part recognise the natural anxiety of the East Punjab Government to discharge the obligations to develop areas where water is scarce and which were under-developed in relation to parts of West Punjab.

4. Apart, therefore, from the question of law involved, the Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources.

5. The West Punjab Government has agreed to deposit immediately in the Reserve Bank such *ad hoc* sum as may be specified by the Prime Minister of India. Out of this sum, that Government agrees to the immediate transfer to East Punjab Government of sums over which there is no dispute.

6. After an examination by each party of the legal issues, of the method of estimating the cost of water to be supplied by the East Punjab Government and of the technical survey of water resources and the means of using them for supply to these canals, the two Governments agree that further meetings between their representatives should take place.

7. The Dominion Governments of India and Pakistan accept the above terms and express the hope that a friendly solution will be reached.

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<sup>44</sup>Came into force on 4 May 1948.

<sup>45</sup>United Nations, Treaty Series, Vol. 54, p. 545.



...

**16**  
**AGREEMENT<sup>46</sup> BETWEEN PAKISTAN AND INDIA**  
**ON BORDER DISPUTES, SIGNED AT NEW DELHI**  
**ON 10 SEPTEMBER 1958<sup>47</sup>**

In accordance with the directives issued by the two Prime Ministers, the Secretaries discussed this morning the following disputes:

...

Assam - East Pakistan

...

- (7) Piyain and Surma - Boundary disputes.

Tripura - East Pakistan

...

- (9) Feni river - Boundary dispute

...

2. As a result of the discussions, the following agreements were arrived at:

...

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral Survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

...

- (9) The question of the Feni river to be dealt with separately after further study.

...

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<sup>46</sup>Came into force on 10 September 1958.

<sup>47</sup>United Nations, Treaty Series, Vol. 369, p.81

**17**  
**AGREEMENT<sup>48</sup> BETWEEN PAKISTAN AND INDIA**  
**ON WEST PAKISTAN-INDIA BORDER DISPUTES.**  
**SIGNED AT NEW DELHI, ON 11 JANUARY 1960<sup>49</sup>**

AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE  
INDO-WEST PAKISTAN BORDER AREAS

1. West Pakistan-Punjab border:

...

(iii) Ferozepur (Lahore-Ferozepur border). - The Governments of India and Pakistan agree that the West Pakistan-Punjab (India) boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

(iv) Suleimanke (Ferozepur-Montgomery border). - The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached schedule and as shown in the map appended thereto as Annexure I<sup>50</sup>

...

SCHEDULE REFERRED TO IN PARA I (iv)

...

3. The two parties recognise that they have common and mutual interest in the proper upkeep and maintenance of the Left Marginal Bund at Suleimanke, and to that end, they declare their intention to co-operate by mutual agreement to the fullest possible extent. In particular:

(1) Each party will maintain in its territory according to the following specifications the portion of the Left Marginal Bund that will lie in Pakistan or continue to be in India:

(i) Top width - 25 feet.

(ii) Side slope on the river side - 3 to 1.

(iii) Outer slope - 2 to 1.

(iv) Free Board above the highest flood level on record as on 10 January, 1960 - 5 feet minimum

(2) Each party will carry out annual river survey in its own territory up to the conventional distance upstream of the Barrage at Suleimanke, and exchange it with the other party.

(3) The representatives of either party will be allowed to inspect the Left Marginal Bund in the territory of the other party at regular intervals that may be mutually fixed or at any time when either party makes a special request. Such inspections will be made jointly by the representatives of both

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<sup>48</sup>Came into force on 11 January 1960.

<sup>49</sup>United Nations, Treaty Series, Vol. 375, p. 119

<sup>50</sup>United Nations, Treaty Series, Vol. 375, pp. 140 and 141.

parties, and each party will afford all necessary facilities to the other party.

...

## ANNEXURE II

### INDO-PAKISTAN CONFERENCE ON THE WESTERN BORDER DISPUTES (4 - 11 JANUARY, 1960)

#### West Pakistan-India Border Ground Rules

...

19. Where, due to the change in the course of a river, territory of one country is thrown on the other side, such change will *not* affect either the *de jure* or *de facto* position of the territory.

...

**18**  
**AMENDED AGREEMENT<sup>51</sup> BETWEEN HIS MAJESTY'S  
GOVERNMENT OF NEPAL (HEREINAFTER REFERRED  
TO AS "HMG") AND THE GOVERNMENT OF INDIA  
(HEREINAFTER REFERRED TO AS THE "UNION")  
CONCERNING THE KOSI PROJECT, SIGNED AT  
KATMANDU ON 19 DECEMBER 1966<sup>5253</sup>**

WHEREAS the Union was desirous of constructing a barrage, headworks and other appurtenant works about three miles upstream of Hanuman Nagar town on the Kosi River with afflux and flood banks, and canals and protective works on land lying within the territories of Nepal for the purpose of flood control, irrigation, generation of hydro-electric power and prevention of erosion of Nepal areas on the right side of the river, upstream of the barrage (hereinafter referred to as the "Project").

And Whereas HMG agreed to the construction of the said barrage, headworks and other connected works by and at the cost of the Union, in consideration of the benefits arising therefrom and a formal document incorporating the terms of the Agreement was brought into existence on the 25th April, 1954 and was given effect to.

And Whereas in pursuance of the said Agreement various works in respect of the Project have been completed by the Union while others are in various stages of completion for which HMG has agreed to afford necessary facilities.

And Whereas HMG has suggested revision of the said Agreement in order to meet the requirements of the changed circumstances, and the Union, with a view to maintaining friendship and good relation subsisting between Nepal and India, has agreed to the revision of Agreement.

Now THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Details of the Project:

(i) The barrage is located about 3 miles upstream of Hanuman Nagar town.

(ii) The general layout of the barrage, the areas within afflux banks, flood embankments, and other protective works, canals, power house and the lines of communication are shown in the amended plan annexed to this agreement as Amended Annexure - A.

(iii) Any construction and other undertaking by the Union in connection with this Project shall be planned and carried out in consultation with HMG.

Provided that such works and undertakings which, pursuant to any provision of this Agreement require the prior approval of HMG shall not be started without such prior approval;

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<sup>51</sup>Came into force on 19 December 1966.

<sup>52</sup>Separate publication of the Ministry of Water and Power, Nepal (1975).

<sup>53</sup>Supersedes the Agreement of 25 April 1954, in Legislative Texts and Treaty Provisions Concerning the Utilization of International Rivers for Other Purposes than Navigation, UN doc. ST/LEG/SER.B/12 (1963), p. 290.

And further provided that in situation described in Clause 3 (iii) and Clause 3 (iv) intimation to HMG shall be sufficient.

- (iv) For the purpose of Clauses 3 and 8 of this Agreement the land under the ponded areas and boundaries as indicated by the plan specified in sub-clause (ii) above, shall be deemed to be submerged.

2. Investigations and Surveys:

- (i) Whenever the Chief Engineer of Kosi Project, Government of Bihar may consider any survey or investigation to be required in connection with the said project, HMG shall, if and in so far as HMG has approved such survey or investigation, authorise and give necessary facilities to the concerned officers of the Union or other persons acting under the general or special orders of such officers to enter upon such land as necessary with such men, animals, vehicles, equipment, plant, machinery and instruments as necessary to undertake such surveys and investigations. Such surveys and investigations may comprise aerial and ground surveys, hydraulic, hydrometric, hydrological and geological surveys including construction of drill holes for surface and subsurface exploration, investigations for communications and for materials of construction; and all other surveys and investigations necessary for the proper design, construction and maintenance of the barrage and all its connected works mentioned under the Project. However, investigations and surveys necessary for the general maintenance and operation of the project, inside the project area, may be done by the Union after due intimation to HMG.

In this Agreement, the "Project Area" shall mean the area acquired for the project,

- (ii) The provisions of sub-clause (i) of this clause shall also apply to surveys and investigations of storage dams or detention dams on the Kosi, soil conservation measures, such as check dams, afforestation, etc, required for a complete solution of the Kosi problems in the future.
- (iii) The surveys and investigations referred to in sub-clauses (i) and (ii) shall be carried in co-operation with HMG.
- (iv) All data, specimens, reports and other results of surveys and investigations carried out by or on behalf of the Union in Nepal pursuant to the provisions on this clause, shall be made available to HMG freely and without delay. In turn, HMG shall, upon request by the Union, make available to the Union all data, maps, specimens, reports and other results of surveys and investigations carried out by or on behalf of HMG in Nepal in respect of the Kosi river.

...

4. Use of water and power:

- (i) HMG shall have every right to withdraw for irrigation and for any other purpose in Nepal water from the Kosi river and from the Sun-Kosi river or within the Kosi basin from any other tributaries of the Kosi river as may be required from time to time. The Union shall have the right to regulate all the balance of supplies in the Kosi river at the barrage site thus available from time to time and to generate power in the Eastern Canal.

- (ii)HMG shall be entitled to obtain for use in Nepal any portion up to 50 percent of the total hydro-electric power generated by any Power House situated within a 10 mile radius from the barrage site and constructed by or on behalf of the Union, as HMG shall from time to time determine and communicate to the Union:

Provided that:

HMG shall communicate to the Union any increase or decrease in the required power supply exceeding 6 800 KW at least three months in advance:

- (iii)If any power to be supplied to Nepal pursuant to the provisions of this sub-clause is generated in a power house located in Indian territory, the Union shall construct the necessary transmission line or lines to such points at the Nepal-Indian border as shall be mutually agreed upon.

...

10. Navigation rights:

All navigation rights in the Kosi River in Nepal shall rest with HMG. Provision shall be made for suitable arrangements at or around the site of the barrage for free and unrestricted navigation in the Kosi River, if technically feasible. However, the use of any water-craft like boats, launches and timber rafts within two miles of the barrage and headworks shall not be allowed on grounds of safety, except by special permits to be issued by the competent authority of HMG in consultation with the executive Engineer, Barrage. Any unauthorised water-craft found within this limit shall be liable to prosecution.

11. Fishing rights

All the fishing right in the Kosi River in Nepal shall continue to rest with HMG. However, no fishing shall be permitted within two miles of the barrage and headworks except under special permits to be issued by the competent authority of HMG in consultation with the Executive Engineer, Barrage. While issuing the special permits within two miles, HMG shall keep in view the safety of the headworks and the permit-holders.

...

14. Arbitration

- (i) Any dispute or difference arising out of or in any way touching or concerning the construction, effect or meaning of this Agreement, or of any matter contained herein or the respective rights and liabilities of the parties hereunder, if not settled by discussion shall be determined in accordance with the provisions of this clause.
- (ii) Any of the parties may by notice in writing inform the other party of its intention to refer to arbitration any such dispute or difference mentioned in sub-clause (i); and within 90 days of the delivery of such notice, each of the two parties shall nominate an arbitrator for jointly determining such dispute or difference and the award of the arbitrators shall be binding on the parties.
- (iii) In case the arbitrators are unable to agree, the parties hereto may consult each other and appoint an Umpire whose award shall be final and binding on them.

15. Establishment of Indo-Nepal Kosi Project Commission

- (i) For the discussion of problems of common interest in connection with the project and for purposes of co-ordination and co-operation between the two Governments with regard to any matter covered in this agreement, the two Governments shall at an early date establish a joint "Indo-Nepal Kosi Project Commission". The rules for the composition, jurisdiction, etc. of the said Commission shall be mutually agreed upon.

...



**19**  
**AGREEMENT<sup>54</sup> BETWEEN AUSTRALIA AND INDONESIA**  
**CONCERNING CERTAIN BOUNDARIES BETWEEN PAPUA**  
**NEW GUINEA AND INDONESIA, SIGNED AT JAKARTA**  
**ON 12 FEBRUARY 1973<sup>55</sup>**

Australia and Indonesia,

Recognizing the desirability of having boundaries of political and physical permanence between Papua New Guinea and Indonesia,

...

Have agreed as follows:

**Article 1.** - The boundary between Papua New Guinea and Indonesia on the island of New Guinea (Irian) shall be more precisely demarcated as follows:

(a) In the north the boundary is the meridian of Longitude 141° East extending southwards from the point of the intersection of the meridian with the mean low water line on the northern coast, located at Latitude 2° 35' 37" South, to the point of its most northerly intersection with the waterway ("thalweg") of the Fly River and that meridian shall be deemed to lie along the geodesic lines successively linking the markers MM<sub>1</sub>, MM<sub>2</sub>, MM<sub>3</sub>, MM<sub>4</sub>, MM<sub>5</sub>, MM<sub>6</sub>, MM<sub>7</sub>, MM<sub>8</sub>, MM<sub>9</sub> and MM<sub>10</sub>, established by the Joint Survey and indicated on the chart annexed to this Agreement.

(b) From the point of the most northerly intersection of the meridian of Longitude 141° East with the waterway ("thalweg") of the Fly River (at present located at Latitude 6° 19' 24" South) the boundary lies along that waterway to the point of its most southerly intersection with the meridian of Longitude 141° 01' 10" East (at present located at Latitude 6° 53' 33" South).

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<sup>54</sup>Came into force on 26 November 1974.

<sup>55</sup>United Nations, Treaty Series, Vol. 975, p. 3.

**20**

**AGREEMENT<sup>56</sup> BETWEEN THE GOVERNMENT OF AUSTRALIA  
(ACTING ON ITS OWN BEHALF AND ON BEHALF OF THE  
GOVERNMENT OF PAPUA NEW GUINEA) AND THE  
GOVERNMENT OF INDONESIA CONCERNING ADMINISTRATIVE  
BORDER ARRANGEMENTS AS TO THE BORDER BETWEEN  
PAPUA NEW GUINEA AND INDONESIA<sup>57</sup>**

The Government of Australia (on its own behalf and on behalf of the Government of Papua New Guinea) and the Government of Indonesia,

Recalling the Agreement between the Australian and Indonesian Governments, dated the twelfth day of February 1973<sup>58</sup> which, among other things, demarcates more precisely in certain respects the land boundaries on the island of New Guinea (Irian) and delimits territorial sea boundaries off the northern and southern coasts of that island,

Recognizing the need to protect the traditional rights and customs of people living in proximity to the border constituted by those boundaries,

Recognizing also the spirit of co-operation, understanding and goodwill that already prevails with regard to the administration of the border and border areas and the existing arrangements between Governments for liaison and other purposes in relation thereto,

Recognizing also the desirability of further fostering co-operation, goodwill and understanding and further strengthening and improving existing arrangements and to this end of formulating a broad framework within which the border and border areas shall be administered in the future,

Having in mind Papua New Guinea becoming an independent nation,

Recognizing also that until independence the border arrangements in relation to the Papua New Guinea side of the border will be carried into effect by the Government of Papua New Guinea with the understanding that after independence Australia shall cease to be responsible in respect of such arrangements,

As good neighbours and in a spirit of friendship and co-operation,

Have agreed as follows:

**Article 1**

For the purposes of this Agreement the border area on each side of the border shall be those areas notified by letters and shown approximately on maps to be exchanged on or before the date of the exchange of instruments of ratification of this Agreement. The border areas may be varied from time to

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<sup>56</sup>Came into force on 26 November 1974.

<sup>57</sup>United Nations, Treaty Series, Vol. 997, p. 292.

<sup>58</sup>See No. 19.

time by an exchange of letters and maps after mutual consultations.

## **Article 2. - Liaison Arrangements**

1. The establishment of liaison on matters relating to the border is fully accepted. Arrangements should be made for regulating the functions and working procedures for each level of liaison.
2. Until otherwise mutually arranged, existing liaison arrangements shall continue and liaison meetings shall be held:
  - (a) by senior officials of the Government of Papua New Guinea and of the Provincial Government of Irian Jaya when requested by either Government on reasonable notice, and at least once a year, to review and develop border co-cooperation;
  - (b) by officials of West Sepik and Western Districts and the Jayapura, Jayawijaya and Merauke Kubupatens at regular intervals but at least every two months; and
  - (c) by officials of the sub-districts and kecamatans concerned at regular intervals but at least every two months, the location to be locally decided.
3. The main purposes of the liaison arrangements shall be:
  - (a) to exchange information on all developments in the border areas which are of mutual interest to the Governments;
  - (b) to devise, amend or establish arrangements to facilitate the practical operation, particularly at local and district levels, of the provisions of this Agreement; and
  - (c) to ensure that Governments are kept informed of developments of significance relating to the border areas and that their attention is drawn to any matters which may require consultation in accordance with this Agreement.

## **Article 3. - Border Crossing for Traditional and Customary Purposes**

1. The traditional and customary practices of the peoples, who reside in a border area and are citizens of the country concerned, of crossing the border for traditional activities such as social contacts and ceremonies including marriage, gardening and other land usage, collecting, hunting, fishing and other usage of waters, and traditional barter trade are recognized and shall continue to be respected.
2. Such border crossings based on tradition and custom shall be subject to special arrangements, and normal immigration and other requirements shall not apply.
3. The special arrangements shall be formulated on the principle that such crossings shall be only temporary in character and not for the purpose of settlement.

## **Article 4. - Cross Border Rights to Land and Waters**

The traditional rights enjoyed by the citizens of one country, who reside in its border area, in

relation to land in the border area of the other country and for purposes such as fishing and other usage of the seas or waters in or in the vicinity of the border area of the other country shall be respected and the other country shall permit them to exercise those rights on the same conditions as apply to its own citizens. These rights shall be exercised by the persons concerned without settling permanently on that side of the border unless such persons obtain permission to enter the other country for residence in accordance with the immigration laws and procedures of that country.

...

#### **Article 11. - Navigational Facilities in Boundary Waters**

Arrangements shall be made as appropriate in order to facilitate navigation of traffic in main waterways in boundary waters, especially the Fly River Bulge.

#### **Article 12. - Pollution**

The Governments agree that when mining, industrial, forestry, agricultural or other projects are being carried out in the respective border areas the necessary precautionary measures shall be taken to prevent serious pollution of rivers flowing across the border. There shall be consultations, if so requested, on measures to prevent pollution, arising from such activities, of rivers on the other side of the border.

#### **Article 13. - Consultations and Review**

1. The Governments shall, if so requested, consult on the implementation, operation and scope of this Agreement.
2. This Agreement shall be reviewed upon the expiration of five years from the date of exchange of the instruments of ratification.

...

**21**  
**PROTOCOLE<sup>59</sup> RELATIF A LA DÉLIMITATION DE LA FRONTIERE**  
**FLUVIALE ENTRE L'IRAN ET L'IRAK, SIGNÉE A BAGDAD,**  
**LE 13 JUIN 1975<sup>60</sup>**

Conformément à ce qui a été décidé dans le communiqué d'Alger en date du 6 mars 1975,

Les deux Parties Contractantes sont convenues des dispositions suivantes:

**Article 1<sup>er</sup>**

Les deux Parties Contractantes affirment et reconnaissent que la délimitation de la Frontière fluviale d'Etat entre l'Iran et l'Irak dans le Chatt-El-Arag a été effectuée selon la ligne de Thalweg, par le Comité mixte irako-irano-algérien.

...

**Article 2**

1. La ligne frontière dans le Chatt-El-Arab suit le Thalweg, c'est-à-dire la ligne médiane du chenal principal navigable au plus bas niveau de navigabilité, à partir du point où la frontière terrestre entre l'Iran et l'Irak descend dans le Chatt-El-Arab jusqu'à la mer.

2. La ligne frontière, ainsi que définie au paragraphe 1 ci-dessus, variera avec les changements ayant pour origine des causes naturelles dans le chenal principal navigable. La ligne frontière ne sera pas modifiée par d'autres changements à moins que les deux Parties Contractantes ne concluent un accord spécial à cet effet.

3. Les changements mentionnés au paragraphe 2 ci-dessus seront constatés en commun par les organes techniques compétents des deux Parties Contractantes.

4. Dans le cas d'un déplacement du lit du Chatt-El-Arab ou de son embouchure causé par des phénomènes naturels et qui entraînerait un changement dans la dépendance nationale du territoire des deux Etats respectifs, ou de biens-fonds, de construction ou d'installations techniques ou autres, le tracé de la ligne frontière continuera à être dans le Thalweg, ainsi que disposé au paragraphe 1 ci-dessus.

5. A moins que les deux Parties Contractantes ne décident d'un commun accord que le tracé devra désormais suivre le nouveau lit, les eaux seront ramenées, aux frais des deux Parties, dans le lit tel qu'il était en 1975, - conformément à ce qui est indiqué sur les quatre cartes communes prévues par le paragraphe 3 de l'Article 1 ci-dessus - si l'une des Parties en fait la demande au cours des deux années qui suivront le moment où le déplacement aura été constaté par l'une des deux Parties. Dans l'intervalle, les deux Parties conserveront leurs droits de navigation et d'usage de l'eau dans le nouveau lit.

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<sup>59</sup>On ne dispose pas de renseignements concernant l'entrée en vigueur de ce Protocole.

<sup>60</sup>Texte envoyé au Secréariat des Nations Unies pour enregistrement, n° 14903.

### **Article 3**

1. La frontière fluviale dans le Chatt-El-Arab entre l'Iran et l'Irak, telle que définie à l'article 2 ci-dessus, est figurée par la ligne indiquée sur les cartes communes visé au paragraphe 3 de l'article premier ci-dessus.

2. Les deux Parties Contractantes ont été d'accord pour considérer que le point terminal de la frontière fluviale se situe sur la ligne droite joignant, à la laisse de basse mer (astronomical Lowest Low Water), l'extrémité des deux rives à l'embouchure du Chatt-El-Arab. Cette ligne droite a été reportée sur les cartes hydrographiques communes mentionnées au paragraphe 3 de l'article premier ci-dessus.

### **Article 4**

La ligne frontière définie dans les articles 1, 2 et 3 du présent Protocole délimitent également, dans le sens vertical, l'espace aérien et le sous-sol.

### **Article 5**

Les Deux Parties Contractantes créent une Commission mixte irako-iranienne pour régler, dans un délai de deux mois, la situation des biens-fonds, des constructions, des installations techniques ou autres, dont la dépendance nationale viendrait à changer du fait de la délimitation de la frontière fluviale irano-irakienne, soit par voie de rachat, soit par voie de compensation, soit selon toute autre formule adéquate et ce, pour éviter toute source de litige.

### **Article 6**

Considérant l'achèvement des travaux de levé dans le Chatt-El-Arab et l'établissement de la carte hydrographique commune, mentionnée au paragraphe 3 de l'article 1 ci-dessus, les deux Parties Contractantes sont convenues qu'un nouveau levé du Chatt-El-Arab sera effectué conjointement, une fois tous les dix ans à compter de la date de signature du présent Protocole. Toutefois, chacune des deux Parties a le droit de demander de procéder à de nouveaux levés, à effectuer conjointement, avant l'expiration du délai de dix ans.

...

## **Article 8**

...

2. Les deux Parties Contractantes créent une commission pour élaborer les règles relatives à la prévention et au contrôle de la pollution dans le Chatt-El-Arab.

...

## **Article 9**

Les deux Parties Contractantes reconnaissent que le Chatt-El-Arab est principalement une voie de navigation internationale, s'engagent de s'abstenir de toute exploitation de nature à entraver la navigation dans le Chatt-El-Arab et dans la mer territoriale de chacun des deux pays sur toute la partie des canaux navigables se trouvant en mer territoriale et aboutissant à l'embouchure du Chatt-El-Arab.

...

**22**  
**ACCORD<sup>61</sup> ENTRE L'IRAN ET L'IRAK CONCERNANT**  
**L'UTILISATION DES COURS D'EAU FRONTALIERS,**  
**SIGNÉE A BAGDAD, LE 26 DÉCEMBRE 1975<sup>62</sup>**

Le Gouvernement Impérial de l'Iran et Le Gouvernement de la République Irakienne,

S'inspirant de l'esprit de l'Accord d'Alger du 6 mars 1975;

Désireux de renforcer les liens d'amitié et de bon voisinage entre leurs pays respectifs;

Et en vue d'assurer l'utilisation optimum des cours d'eau contigus et successifs, au mieux des intérêts des deux Etats;

Sont convenus des dispositions suivantes:

**Article premier**

Les dispositions du présent accord s'appliquent aux cours d'eau ci-dessous:

A. Cours d'eau contigus qui suivent la ligne frontière entre les deux pays.

B. Cours d'eau successifs qui traversent la ligne frontière entre les deux pays.

**Article 2**

Les deux Parties Contractantes sont convenues des dispositions suivantes:

a - Partage en deux parts égales entre les deux pays des eaux des rivières du Bnava Souta, du Kourétou et du Guenguir. Ce partage s'effectuera à des lieux appropriés sur lesquels les deux Parties se mettront d'accord.

b - Le partage entre les deux pays des eaux des rivières Alvend, Goundjan-Tchem, Tyb (Mehmeh) et Douveridj se fera sur la base des procès-verbaux de la commission de délimitation frontalière irano-ottomane de 1914 et la coutume.

c - Le partage entre les deux pays du débit des cours d'eau contigus et successifs, qui ne sont pas mentionnés dans les paragraphes a et b ci-dessus, s'effectuera conformément aux dispositions du présent accord.

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<sup>61</sup>On ne dispose pas de renseignements concernant l'entrée en vigueur de cet Accord.

<sup>62</sup>Texte envoyé au Secréariat des Nations Unies pour enregistrement, n° 14907.



### **Article 3**

Les deux Parties Contractantes institueront une commission technique mixte permanente, composée d'un nombre égal d'experts des deux Etats, pour l'étude technique et la supervision des questions relatives aux cours d'eau contigus et successifs. Ces études porteront entre autres sur l'élaboration des projets communs ainsi que sur la création d'installations et de stations hydrométriques que les deux Parties auront jugé utiles ou le perfectionnement de celles existantes.

### **Article 4**

La commission mentionnée à l'article 3 du présent accord examinera les possibilités d'une meilleure utilisation des cours d'eau contigus et successifs et, dans ce but, elle indiquera dans le délai d'une année hydrologique à dater de la signature du présent accord, la part qui revient à chacune des Parties Contractantes du débit des cours d'eau mentionnés au paragraphes b de l'article 2 du présent accord.

Elle indiquera de même, dans le délai de deux années hydrologiques à dater de la signature du présent accord, les modalités les plus appropriées à l'utilisation optimum du débit des cours d'eau mentionnés au paragraphe c de l'article 2 ci-dessus.

### **Article 5**

Les deux Parties Contractantes s'engagent à assurer l'écoulement normal des eaux disponibles dans les cours d'eau contigus et successifs conformément au mode de partage spécifié dans le présent accord.

Chacune des deux Parties Contractantes s'engage à s'abstenir d'utiliser les cours d'eau contigus et successifs à des fins contraires aux prévisions du présent accord ou préjudiciables aux intérêts de l'autre Partie Contractante.

### **Article 6**

En cas de divergence sur l'interprétation ou l'application du présent accord, les deux Parties Contractantes la régleront conformément à la procédure mentionnée à l'article 6 du Traité<sup>63</sup> relatif à la Frontière d'Etat et au bon voisinage entre l'Iran et l'Irak signé le 13 juin 1975 à Bagdad.

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<sup>63</sup>Voir n° 21.

**23**  
**AGREEMENT<sup>64</sup> BETWEEN IRAN AND IRAQ CONCERNING**  
**FRONTIER COMMISSIONERS, SIGNED AT BAGHDAD**  
**ON 26 DECEMBER 1975<sup>65</sup>**

...

**Article 6**

The frontier commissioners of each Contracting Party shall have, in a zone extending 15 kilometres on each side of the frontier, the jurisdiction to:

...

V. Exchange information in the event of disasters (fires, floods, etc...) occurring in the frontier zones and co-operate in bringing them under control.

...

VIII. Investigate and, where appropriate, settle all frontier incidents, including:

...

(f) The discovery of boats, fishing equipment or other objects which happen to be in the territory of the other Party as a result of natural causes;

(g) The moving, damaging or destruction of frontier marks or other frontier installations, including river installations and signals;

...

(l) The settlement of disputes concerning the improper use of frontier waters, causing pollution and making these waters unsuitable for irrigation or consumption. In this regard, the provisions of the Agreement between Iran and Iraq concerning the use of frontier water courses<sup>66</sup> shall be observed.

...

**Article 19**

The two Contracting Parties shall establish a permanent commission composed of an equal number of members in order to co-ordinate the functions of the frontier commissioners. The commission shall meet at least once a year, in Iran and Iraq alternately. It may also be convened whenever circumstances so require. Special meetings shall take place in the territory of the Party which convenes

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<sup>64</sup>No information is available regarding the entry into force of this Agreement.

<sup>65</sup>Text filed with the United Nations Secretariat, registration No. 14904.

<sup>66</sup>See No. 22.

them.

...

**24**  
**AGREEMENT<sup>67</sup> BETWEEN IRAN AND IRAQ CONCERNING THE**  
**RULES GOVERNING NAVIGATION OF THE SHATT-AL-ARAB**  
**SIGNED AT BAGHDAD ON 26 DECEMBER 1975<sup>68</sup>**

In accordance with the spirit of the Algiers Agreement, dated 6 March 1975, and the Protocol concerning the delimitation of the river frontier between Iran and Iraq signed at Baghdad on 13 June 1975<sup>69</sup>,

Pursuant to article 8 of the said Protocol, which provides for the establishment of rules governing navigation on the Shatt al Arab on the basis of equality of rights of the two Parties,

Desiring to protect their common interests regarding navigation on the stretch of the Shatt al Arab beginning at the point at which the land frontier line between the two countries joins the said river and continues to the sea,

Motivated by sentiments of good neighbourliness and sincere co-operation,

The two Contracting Parties have agreed as follows:

...

**Part Two**  
Joint Co-ordinating Bureau

**Article 2**

1. The two Contracting Parties shall set up a permanent bureau, to be called the "Joint Co-ordinating Bureau", consisting of an equal number of Iranian and Iraqi representatives in order to safeguard navigation on the Shatt al Arab.

...

**Article 3.** - The Joint Co-ordinating Bureau shall be empowered

...

6. To observe all the rules relating to the prevention of pollution from shipping on the Shatt al Arab.

...

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<sup>67</sup>No information is available regarding the entry into force of this Agreement.

<sup>68</sup>Text filed with the United Nations Secretariat, registration No. 14905.

<sup>69</sup>See No. 21.

**Part Three**  
Operations relating to the safety of navigation

**Article 6**

All dredging, maintenance of beacons and surveys of shipping channels in the stretch of the Shatt al Arab referred to in the Protocol concerning the delimitation of the river frontier between Iran and Iraq signed at Baghdad on 13 June 1975<sup>70</sup> shall be carried out jointly by the two Contracting Parties through the Joint Co-ordinating Bureau, in accordance with article 3, paragraph 2, of this Agreement.

...

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<sup>70</sup>See No. 21.

**25**  
**BOUNDARY AGREEMENT<sup>71</sup> BETWEEN IRAN AND PAKISTAN,**  
**WITH EXCHANGE OF NOTES, SIGNED AT**  
**TEHERAN ON 6 FEBRUARY 1958<sup>72</sup>**

...

**Article I**

The boundary line between Pakistan and Iran from Gwatar Bay to Koh-i-Malik Siah shall be as agreed to by the two Parties, and specified in Article II of this Agreement, on the basis of the following documents:

...

**Article IV**

...

In places where, in accordance with the signed map and the memorandum attached thereto, the boundary line should run along watersheds, valleys, rivers, natural mountainous passes and, in general, natural features of the ground, if the boundary line determined on the map does not agree with the said natural features, the lay of the natural features of the ground shall be the basis for the operations in accordance with the memorandum attached to the map.

...

**Article IX**

(a) For the use of the Pakistan border post near the Mirjawa border area, the Imperial Government of Iran agree to the Government of the Islamic Republic of Pakistan drawing 3 cubic metres (equivalent of 666 imperial gallons) of water every 24 hours from Mirjawa water in the manner explained below:

- (1) The construction of the pipe line, and repairs thereto, from the Mirjawa water reservoir up to a suitable permanent point on the border of the two countries shall, in view of the existing friendly relations between them, be carried out by the Imperial Government of Iran themselves. The said border point shall be specified by the Government of the Islamic Republic of Pakistan. After the coming into force of this Agreement and the specification of the border point by the Government of the Islamic Republic of Pakistan, the said construction of the pipe line shall be carried out by the Imperial Government of Iran within a period of one year. If the Government of Iran so desire and request the Government of the Islamic Republic of Pakistan, the said Government will take steps to

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<sup>71</sup>Came into force on 6 June 1959.

<sup>72</sup>British and Foreign State Papers, Vol. 163, p. 824.

construct the pipe line at their own expense.

(2)The length of the pipe line from the site of Mirjawa water reservoir situated about 4 1/2 kilometres south-west of Mirjawa, up to the site of the Pakistan border post shall not exceed a radius of 12 kilometres and the said reservoir shall serve as the starting point for the calculation of the said radius.

(3)At times when due to cleaning processes, natural incidents or shortage of water, the flow of the Mirjawa reservoir water stops or decreases, naturally the agreed quantity of water mentioned in paragraph (a) of this Article shall also stop or decrease proportionately.

(b) For the use of the Iranian border post near the Kacha border area, the Government of the Islamic Republic of Pakistan agree to the Imperial Government of Iran drawing 200 imperial gallons from Kacha water every 24 hours in the manner explained below:

(1)The construction of the pipe line, and repairs thereto, from the drinkable water of Kacha, up to a suitable permanent point on the border of the two countries, shall also be carried out by the Imperial Government of Iran themselves. The said border point shall be specified by the Government of Iran.

(2)At times when due to cleaning processes, natural incidents, or shortage of water, the Kacha water stops or decreases, naturally the agreed quantity of water mentioned in paragraph (b) of this Article shall stop or decrease proportionately.

(c)Laying of the pipe line for withdrawal of water from either side for the use of the border post shall not create any servitude or other rights in respect of the other party.

...

## EXCHANGE OF NOTES

(No. 1) - The Ambassador of Pakistan at Teheran to the Imperial Foreign Minister of Iran.

Teheran, 6 February, 1958.

Your Excellency,

In order to avoid difficulties which might arise between the Technical Commissions of the two Parties during demarcation operations, to facilitate the said operations and to clarify the procedure to be adopted by them, I propose the following for Your Excellency's approval.

If in the course of identification of the agreed boundary line, drawn on the 1" = 4 miles scale map, on the ground, it is found that in places, where the line should pass through natural features, it does not correspond with the ground, the 1" = 1 mile scale map, prepared in 1956, shall, after correction, if necessary, be utilised for the purpose of identification of all features and points along the boundary line in accordance with the concluding portion of paragraph (a) of Article IV; and in places where the boundary line should, in accordance with the memorandum attached to the agreed map pass through watersheds, valleys, rivers, natural mountainous passes and, in general, through natural features, and the line drawn on the said map does not correspond with the ground, the lay of natural features of the ground, correctly identified in accordance with the memorandum attached to the map, shall form the

basis of the operations and in case any apparent difference is noticed between the line drawn on the 1" = 4 miles scale map and the line as identified on the ground, this difference shall not be considered as a divergence and shall not be subject to provisions of the exchange laid down in Article V.

In places where the boundary line should pass through a natural feature and this natural feature happens to be a river, or nullah which has been written on the map as Kaur, and according to the memorandum attached to the agreed map the boundary line should run through its middle, if the agreed line drawn on the 1" = 4 miles scale map on being identified, in accordance with the co-ordinates of points, on the course of the river or Kaur, does not correspond to the river or Kaur, the middle course of the river or Kaur shall naturally form the boundary line.

...

(No. 2) - The Imperial Foreign Minister of Iran to the Ambassador of Pakistan at Teheran.

Teheran, 6 February, 1958.

Your Excellency,

Your Excellency's letter dated the 6 February, 1958, containing the following text:

...

**26**  
**ACCORD<sup>73</sup> PORTANT RECTIFICATION DE LA FRONTIERE**  
**ENTRE L'IRAN ET LA TURQUIE. SIGNÉE A TÉHÉRAN**  
**LE 26 MAI 1937<sup>74</sup>**

...

**Article premier**

Le paragraphe 8 de l'article 1 de l'accord sur la frontière du 23 janvier 1932<sup>75</sup> qui formule que:

...

est modifié comme suit:

"La ligne frontière part de Kotoul Dagħ, cote 2869, et se dirige par la ligne de crête vers le sud-est jusqu'à un point situé sur la rivière Baradost à 1 600 mètres à l'est de Bajirgue en laissant à l'Iran la crête continuant la hauteur 1890 vers le sud (la ligne frontière passe donc par le ravin). De là, la ligne va vers le sud-est et passe par la colline des bornes CXLVIII et CXLVII; puis tourne vers l'est-sud-est jusqu'à la rivière Ekmalouk située à 450 mètres de la colline. Ensuite elle remonte le ravin Ekmalouk jusqu'à hauteur située à 800 mètres au sud de la cote 2300. De là elle suit la ligne de crête en direction du sud-ouest sur une étendue de 2 500 mètres jusqu'à un point situé à 1 500 mètres à l'ouest d'Alosan, qui reste à l'Iran. De là, la ligne suit la crête dans la direction du sud jusqu'au coude de cette crête, à environ 2 500 mètres de là. Ensuite elle tourne vers l'est jusqu'à Aladar Dagħ, en suivant toujours les crêtes. Puis elle descend vers le sud-est par les crêtes jusqu'au sommet de Tapei Hochap, cote 2800, où se trouve posée la borne No. 476, et de Tapei Hochap elle descend en ligne droite jusqu'à la rivière venant de Paqui pour rejoindre cette dernière au point (b) indiqué sur le croquis ci-joint <sup>(2)</sup> signé par les deux parties et situé approximativement à 500 mètres au nord-ouest de Mazbicho, et de ce point elle suit le thalweg de ladite rivière jusqu'à son confluent avec la rivière Berdereche Tchay. Puis elle suit le thalweg du Berdereche Tchay jusqu'à son confluent avec le torrent qui descend 1 000 mètres à l'ouest de Garachine Dagħ. La ligne suit le thalweg de ce torrent vers le sud sur une distance de 1 600 mètres, ensuite elle grimpe sur la crête qui se dirige vers le sud-est jusqu'au sommet ouest de Garachine Dagħ. Les localités d'Eli et de Paqui restent à la Turquie et la partie de la localité de Mazbicho située à l'est de la rivière venant de Paqui à l'Iran".

...

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<sup>73</sup>Entré en vigueur le 11 juillet 1939.

<sup>74</sup>British and Foreign State Papers, Vol. 141, p. 1093.

<sup>75</sup>Legislative Texts and Treaty Provisions concerning the Utilization of International Rivers for Other Purposes than Navigation. UN doc. ST/LEG/SER.B/12 (1963), p. 370.



**27**  
**ACCORD<sup>76</sup> ENTRE LA PERSE ET L'UNION DES**  
**RÉPUBLIQUES SOVIÉTISTES SOCIALISTES RELATIF**  
**A L'EXPLOITATION DES PECHERIES SUR LA COTE**  
**MÉRIDIONALE DE LA MER CASPIENNE, SIGNÉ A**  
**MOSCOU LE 1<sup>er</sup> OCTOBRE 1927<sup>77</sup>**

Le Gouvernement Persan, d'une part, et le Gouvernement de l'Union des Républiques Soviétistes Socialistes, d'autre part, estiment nécessaire de régler, conformément à l'article 14 du Traité<sup>78</sup> conclu entre la Perse et la République socialistes fédérative soviétiste de Russie, le 26 février 1921, la question de l'exploitation des pêcheries de la côte méridionale de la Mer caspienne.

...

**Article Premier**

En vertu du présent accord le Gouvernement persan transmet en concession aux conditions suivantes le droit de pêche et de préparation du poisson sur ses côtes du sud de la Caspienne, dans les limites indiquées à l'article II du présent accord à une Compagnie commerciale industrielle mixte spéciale organisée par le Gouvernement persan et le Gouvernement de l'Union des Républiques soviétistes socialistes.

Dans le présent accord, la compagnie mixte susindiquée sera désignée sous le terme de "Compagnie".

**Article II**

Les limites des pêcheries transmises en concession à la Compagnie coïncident avec celles de la concession accordée en son temps par le Gouvernement persan aux frères Lianozov. Les cours d'eau se jetant dans la mer à l'intérieur des limites de la concession en sont exclus. La ligne où ils se jettent dans la mer sera la limite de ces cours d'eau avec les eaux de la concession.

Font exception les embouchures des rivières suivantes:

- (a) Séfid-Roud dont les deux bras (Séfid-Roud et Moussa-Tchai), ayant les eaux basses, ne permettent pas de se livrer à l'embouchure. Pour cette raison la compagnie aura le droit de pêche dans ces bras jusqu'aux limites où se trouvent actuellement à l'embouchure les anciennes pêcheries des frères Lianozov.
- (b) Babol, dans la région de Mechedissar, en raison de ses eaux basses à l'embouchure. La compagnie y aura de même le droit de pêche dans les limites des anciennes pêcheries des frères Lianozov.

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<sup>76</sup>Entré en vigueur le 31 janvier 1928.

<sup>77</sup>Société des Nations, Recueil des Traités, vol. 112, p. 297.

<sup>78</sup>Société des Nations, Recueil des Traités, vol. 9, p. 383.

- (c) La rivière Gorgan avec son bras Kara-Sou jusqu'aux limites de la pêche des anciennes pêcheries des frères Lianozov.

Si les embouchures des rivières faisant partie de la concession changent avec le temps, leurs cours ou s'ils forment de nouveaux bras, les droits de pêche concédés à la compagnie seront applicables aux nouveaux cours et bras.

*Remarque:* En ce qui concerne les lieux de pêche dans les limites indiquées par cet accord, la compagnie n'est limitée que par les clauses du présent accord.

### **Article III**

En vue de régler la pêche du poisson par la Compagnie, les dispositions suivantes sont adoptées:

- (a) Tout le poisson non paléacé (Haram) à l'intérieur des limites de la concession appartient à la compagnie, et les pêcheurs de la compagnie ou les pêcheurs privés doivent le vendre à la compagnie à un prix fixé périodiquement et préalablement par cette compagnie.
- (b) Tout le poisson paléacé (Halal) peut être pêché par les pêcheurs privés de même que par ceux de la compagnie, leur appartient et ils peuvent le vendre à qui ils désirent y compris à la compagnie.
- (c) Afin que la compagnie et les pêcheurs privés sujets persans n'entravent leur travail réciproque, des rayons de pêche seront attribués pour des durées de trois ans en trois ans aux pêcheurs privés par un accord entre le Gouvernement persan et la direction de la compagnie. La compagnie, de son côté, s'engage à déterminer et à publier pour des périodes de trois ans, les règles et les conditions d'admission des pêcheurs privés dans les eaux où la pêche est exercée par la compagnie.

### **Article IV**

La durée de la concession accordée à la compagnie sera de 25 ans à dater du jour de l'entrée en vigueur du présent accord. A l'expiration de cette période de 25 ans, les engagements du Gouvernement persan, découlant de l'article 14 du Traité du 26 février 1921<sup>79</sup> seront considérés comme ayant pris fin. Si le Gouvernement persan ne désire pas renouveler à la compagnie la concession des pêcheries susindiquées, la compagnie sera considérée comme dissoute et ses biens seront partagés en deux parties égales entre les deux parties, à l'exception des lots fonciers attribués à la compagnie gratuitement par le Gouvernement persan en vertu de l'article 17 du présent accord. Ces lots fonciers feront de nouveau retour au Gouvernement persan. Le Gouvernement persan s'engage dans le cas où la concession n'aurait pas été renouvelée, à ne pas concéder ces pêcheries pendant une période ultérieure de 25 ans à des tierces puissances et à leurs ressortissants. Il s'engage à les exploiter exclusivement au moyen des organes appropriés du Gouvernement persan sans inviter de son côté pour l'exploitation de ces pêcheries d'autres spécialistes que des sujets persans.

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<sup>79</sup> Legislative Texts and Treaty Provisions Concerning the Utilization of International Rivers for Other Purposes than Navigation, UN doc. ST/LEG/SER.B/12 (1963), p. 371.

## Article V

Les parties persane et soviétique auront dans la compagnie des parts égales de 50 pour-cent chacune.

## Article VI

Afin d'améliorer l'organisation des pêcheries de faire des achats d'ustensiles et accessoires indispensables de pêche et pour supporter les frais d'exploitation des pêcheries, la compagnie forme un capital général qui ne doit dépasser au maximum trois millions de toman. Dans le cas où ce capital serait reconnu comme trop élevé, les parties formeront un capital général à la mesure des besoins réels, dont la moitié sera versée par le Gouvernement persan et l'autre moitié par le Gouvernement de l'Union des Républiques soviétiques socialistes. Les deux Parties verseront leurs parts à des dates fixées après entente mutuelle, nécessaires au développement de l'entreprise. L'argent dû pour la pêche des années précédentes devant être versé au Gouvernement persan d'après l'article XIII du présent accord sera décompté dans la part du Gouvernement persan dans le capital général nécessaire pour les besoins de l'exploitation. Au cas où le Gouvernement persan ne verserait pas sa part en argent comptant, il sera appliqué la procédure fixée à l'article VII du présent accord. Dans ce cas, en amortissant des sommes dues par le Gouvernement persan au Gouvernement de l'Union, seront versées à celui-ci les sommes suivantes qui auraient dû être versées au Gouvernement persan:

- (a) Redevance due pour la concession accordée, conformément à l'article VIII.
- (b) 50 pour-cent des bénéfices nets, conformément à l'article IX.

Toutefois, le Gouvernement persan aura le droit à tout moment, quand il le désirera, de verser et de compléter en argent comptant, ses versements non versés. Dans ce cas les sommes indiquées dans les points (a) et (b) du présent article seront remises au Trésor persan. Lorsque le Gouvernement persan aura versé la part du capital général, nécessaire pour les besoins de l'exploitation, les sommes indiquées dans les points "A" et "B" du présent article seront payées directement au Gouvernement persan.

## Article VII

Si les sommes indiquées dans l'article 6 ne suffisent pas au paiement de la part du Gouvernement persan dans le capital qui conformément à l'article 6 est reconnu comme correspondant à la nécessité réelle et si le Gouvernement persan ne verse pas le reste de sa part, ce reste de la part du Gouvernement sera versé par la Partie soviétique, après une déclaration *ad hoc* adressée par le Gouvernement persan au Gouvernement de l'Union des Républiques soviétiques socialistes. Le Gouvernement persan, après communication du Gouvernement de l'Union que le versement a été effectué payera pour la somme avancée par la Partie soviétique, à dater du jour du versement, 8 pour-cent d'intérêt annuel jusqu'à ce que l'apport du Gouvernement persan dans le susdit capital ait été intégralement effectué. En ce qui concerne la répartition des revenus de la Compagnie, la Partie soviétique, de même dans les cas prévus au présent article, n'aura pas droit aux bénéfices nets de la compagnie, dans un montant plus haut qu'il est prévu à l'article IX du présent accord à savoir 50 pour-cent.

Il est entendu que le versement par le Gouvernement persan des 8 pour-cent susmentionnés n'est pas pris en considération lors de la distribution des revenus, conformément à l'article IX du présent accord.

## **Article VIII**

La redevance annuelle que la compagnie versera au Gouvernement persan en raison de la concession accordée par le présent accord est formée de la manière suivante:

- 1) 80 000 tomans par an sur le revenu brut de la compagnie, comme droit de concession.
- 2) 15 pour-cent du restant du bénéfice brut qui, déduction faite des dépenses d'administration et d'exploitation, sera considéré comme bénéfice net de la compagnie.

Les sommes énoncées ci-dessus ne rentrent pas dans le compte du bénéfice auquel le Gouvernement persan, en tant que sociétaire de la compagnie, a droit d'après l'article IX.

## **Article IX**

Tout le bénéfice net provenant des opérations de la compagnie est partagé en deux parties égales, à savoir par 50 pour-cent entre les Parties persane et soviétique sociétaires de la compagnie.

Remarque: La compagnie s'engage à placer les produits des pêcheries aux prix les plus avantageux, sur les marchés persans, soviétiques et étrangers, en s'arrêtant au marché dont les prix sont les plus rémunérateurs.

## **Article X**

La direction de la compagnie, gérant toutes les affaires de la compagnie et ayant son siège social à Téhéran, se compose de six membres nommés pour un an. Trois membres sont désignés par la Partie persane et trois par la Partie soviétique. Les arrêtés et les décisions de la direction sont adoptés à la majorité des voix.

Les membres de la direction sont désignés par les deux Parties dans un mois au plus tard, à partir du jour de l'entrée en vigueur du présent accord. La direction sera présidée, par un des membres de la Partie persane, désignée par le Gouvernement persan.

Si dans les trente jours après l'expiration du délai d'un mois susmentionné, l'une des parties n'a pas désigné en totalité ou en partie les membres de la direction, la direction, jusqu'à la nomination des membres manquants sera considérée comme compétente pour résoudre par les membres déjà désignés toutes les questions.

...

## **ECHANGE DES NOTES**

Note n° I

Moscou, le 1<sup>er</sup> octobre 1927

MONSIEUR LE COMMISSAIRE ADJOINT,

La pêche de poisson au moyen de produits chimiques, explosifs et par des moyens similaires est strictement défendue. A cette exception près, la compagnie converse liberté d'action quant aux méthodes de pêche. Mais la compagnie est tenue sur la demande du Gouvernement persan de faire l'élevage artificiel des espèces de poisson dont les réserves naturelles peuvent s'épuiser.

En outre, aux fins d'une meilleure protection de réserves de poisson et pour réserver au poisson la possibilité d'un libre frai de caviar, la pêche de poisson est interdite: 1) à Sefid-Roud, en amont du point déterminé par l'alinéa (a) de l'article II, pendant toute l'année et 2) dans les autres rivières pendant un mois, savoir du 10 avril jusqu'au 10 mai.

...

NOTE n° I

(Réponse)

Moscou, le 1<sup>er</sup> octobre 1927

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de votre note dont la teneur suit:

...

**28**  
**AGREEMENT<sup>80</sup> BETWEEN IRAN AND THE UNION OF SOVIET  
SOCIALIST REPUBLICS CONCERNING THE SETTLEMENT OF  
FRONTIER AND FINANCIAL QUESTIONS. SIGNED AT TEHERAN,  
ON 2 DECEMBER 1954<sup>81</sup>**

...

**Article I**

The High Contracting Parties, animated by the desire to settle differences as to the line of the State frontier between Iran and the Union of Soviet Socialist Republics in certain sectors and thus to settle the frontier question as a whole on the basis of observance of the mutual interests of the Parties, have agreed that a new State frontier line shall be established in the Mugan, Deman, Eddy-Evlar and Sarakhs sectors, and also in the Atrek sector from the Senger-Tepe (SygyrTepe) hill to the point where the frontier line meets the Caspian Sea. A description of the line to be taken by the new frontier in the above-mentioned sectors is given in article II of this Agreement.

The High Contracting Parties confirm that the frontier between Iran and the Union of Soviet Socialist Republics shall be unchanged throughout its remaining extent, and that the border tract on the right bank of the River Araxes, opposite the former fortress of Abbasabad, and also the village of Hissar with the land adjoining it, shall remain within the boundaries of Iran, while the township of Firyuza and the land surrounding it shall remain within the boundaries of the Union of Soviet Socialist Republics.

Accordingly, the High Contracting Parties declare that all questions relating to the line of the State frontier between Iran and the Union of Soviet Socialist Republics throughout its entire extent are now settled and that the Parties have no territorial claims against each other.

**Article II**

In accordance with article I of this Agreement, the State frontier between Iran and the Union of Soviet Socialist Republics shall run as follows:

**A. Transcaucasian (western) sector of the frontier**

From the junction of the State frontiers of Iran, the Union of Soviet Socialist Republics and the Republic of Turkey at the confluence of the Rivers Araxes and Nizhny Kara Su, to a point located in the middle of the channel of the River Araxes, on the north-western outskirts of the Iranian settlement of Tazakend, approximately 5.2 kilometres to the east-south-east of the centre of the Soviet settlement of Ashaga-Karagyuvandli and 3.6 kilometres to the north-north-east of the centre of the Iranian settlement of Kamyshly, the line of the State frontier between Iran and the USSR shall follow the channel of the River Araxes as indicated in the Description of the Frontier between Persia and Russia signed by the Commissioners of the two Powers on 18 January 1829 at Beiramlu, with the exception that the border tract on the right bank of the River Araxes opposite the former fortress of Abbasabad shall remain within

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<sup>80</sup>Came into force on 20 May 1955.

<sup>81</sup>United Nations, Treaty Series, Vol. 451, p. 227.

the boundaries of Iran, the line of the frontier opposite the above-mentioned fortress following the channel of the River Araxes.

From the above-mentioned point on the River Araxes, the frontier line, turning to the east, shall run along the existing frontier line to a point located approximately 4.5 kilometres to the north-east of the centre of the Iranian settlement of Kamyshly and 4.0 kilometres to the south-east of the southern outskirts of the Soviet settlement of Haji Baba Ali.

From that point the frontier line, leaving the existing frontier line, shall follow a straight line for approximately 4.0 kilometres in an east-south-easterly direction until it reaches a point located approximately 7.0 kilometres to the east-north-east of the centre of the Iranian settlement of Kamyshly, 3.6 kilometres to the south-east of the centre of an unnamed Soviet settlement and 2.0 kilometres to the north-east of the trigonometrical point marked 27.2.

Thereafter, the frontier shall follow a straight line in a south-easterly direction to a point approximately 5.2 kilometres to the south-east of Shagriarski Hill, 1.1 kilometres to the south of the trigonometrical point marked 68.8 and 4.4 kilometres to the north-north-west of the cemetery at the Iranian settlement of Iranian Belyasuvar (Talysh-Mikeyli).

The frontier shall then follow a straight line in a south-easterly direction to a point located on the existing frontier, on the north-eastern outskirts of the Iranian settlement of Iranian Belyasuvar (Talysh-Mikeyli), approximately 1.1 kilometres to the east-north-east of the cemetery at the Iranian settlement of Iranian Belyasuvar (Talysh-Mikeyli) and 5.5 kilometres to the south-east of the trigonometrical point marked 68.8.

Thence, the frontier shall turn to the south and follow the existing frontier to a point in the middle of the River Bolgar Chai (Bolgaru), leaving on the USSR side the settlement of Belyasuvar (Soviet), and on the Iranian side, Iranian Belyasuvar (Talysh-Mikeyli).

(The new frontier line in the Mugan sector from the River Araxes to the River Bolgar Chai is shown on the attached 1:100 000 map - Annex No. 1.).

From the point in the middle of the River Bolgar Chai to the Signak Rock, located approximately 1.0 kilometre to the south-west of the summit of Mt. Dzhogeir (Dzhekoira) and 5.5 kilometres to the north-north-west of the centre of the Soviet settlement of Deman, the frontier shall follow the line indicated in the Description of the Frontier Between Persia and Russia signed by the Commissioners of the two Powers on 18 January 1829 at Beiramlu.

At the signak Rock a new frontier line shall begin, running more or less in a straight line to the summit of the height marked 1619.2, located approximately 600

metres to the south-east of Mt. Qaraul Tash and 1.1 kilometres to the north of the centre of the Iranian settlement of Kannybulak.

(The new frontier line in the Deman sector from the Signak Rock to the summit of the height marked 1619.2 is shown on the attached 1:100 000 map-Annex No. 2.).

From the summit of the height marked 1619.2, to the Caspian Sea, the frontier shall proceed as indicated in the Description of the Frontier between Persia and Russia signed by the Commissioners of the two Powers on 18 January 1829 at Beiramlu, with the exception that the tract of Soviet territory called Eddy-Evlar goes to Iran, and the frontier in this sector follows the present watercourse of the River Astara-Chay.

(The new frontier line in the Eddy-Evlar sector is shown on the attached 1:100 000 map - Annex No. 3.).

**B. Transcaspiian (eastern) sector of the frontier**

From the junction of the State frontiers of Iran, the Union of Soviet Socialist Republics and Afghanistan to a point in the middle of the western arm of the River Tedzhen (Hari Rud) approximately 2.7 kilometres to the north-east of Ulibaba mosque and 5.8 kilometres to the north-north-west of the centre of the Soviet settlement of Sarakhs, the frontier between Iran and the USSR shall run along the middle of the deepest channel of the River Tedzhen, in accordance with the description of the frontier set forth in Protocol No. 3 of 19 June 1894 concerning the demarcation of the frontier between Persia and Russia in the sector from Zulfiqar to Khumly-Tepe and as shown on the map attached to that Protocol.

...

### **Article III**

The high Contracting parties have agreed on the demarcation and re-demarcation of the frontier between Iran and the Union of Soviet Socialist Republics. For this purpose, a Mixed Iranian-Soviet Commission to carry out the demarcation and re-demarcation of the frontier throughout its entire extent shall be established and shall begin work within not more than three months from the date of entry into force of the present Agreement. In demarcating the newly established frontier in the Mugan, Deman, Eddy-Evlar, Atrek and Sarakhs sector and re-demarcating the whole of the remainder of the frontier between Iran and the Union of Soviet Socialist Republics, the Mixed Iranian-Soviet Commission shall be guided by the present Agreement.

The Mixed Iranian-Soviet Commission shall complete the demarcation and re-demarcation of the Iranian-Soviet frontier throughout its entire extent within eighteen months after the establishment of this Commission.

...



PROTOCOL

In accordance with the understanding reached on signing the Agreement of 11 Azar 1333 (2 December 1954) between Iran and the Union of Soviet Socialist Republics concerning the Settlement of Frontier and Financial Questions, the Parties have agreed on the following:

...

II. The transfer by the Union of Soviet Socialist Republics to Iran of the Eddy-Evlar sector, belonging to the USSR and watered by the River Astara-Chay, shall be considered an exception to the established rule of international theory and practice that a change in the course of a frontier river does not entail changes in the State frontier (where there is no special arrangement covering the point between the parties).

...

**29**  
**TREATY<sup>82</sup> BETWEEN THE GOVERNMENT OF THE UNION OF**  
**SOVIET SOCIALIST REPUBLICS AND THE**  
**IMPERIAL GOVERNMENT OF IRAN CONCERNING THE REGIME**  
**OF THE SOVIET-IRANIAN FRONTIER AND THE PROCEDURE FOR**  
**THE SETTLEMENT OF FRONTIER DISPUTES AND INCIDENTS,**  
**SIGNED AT MOSCOW, ON 14 MAY 1957<sup>83</sup>**

...

PART I  
**Line of the Frontier, Maintenance of Frontier Marks  
and Clearings**

**Article 1**

The line of the State frontier between the Union of Soviet Socialist Republics and Iran, as established by the Agreement of 2 December 1954<sup>84</sup> (11 Azar 1333) between the Union of Soviet Socialist Republics and Iran concerning the settlement of frontier and financial questions, is the line on the ground as determined in the demarcation and re-demarcation documents signed on 11 April 1957 (22 Farvardin 1336) at Teheran by the Mixed Soviet-Iranian Commission for the demarcation and re-demarcation of the Soviet-Iranian frontier, and in the documents relating to the junction of the frontiers of the USSR, Iran and Turkey and of the USSR, Iran and Afghanistan.

...

**Article 5**

...

4. On water sectors of the frontier, when frontier posts which have been damaged or destroyed by floods are restored or re-erected, it shall be permissible to change their former site, but not the actual course of the frontier line, and to re-erect them at points which will ensure their preservation. Such changes in the sites of the frontier posts on a water sector of the frontier shall be made with the agreement of both Contracting Parties. Frontier posts may also be transferred to new sites if necessary in ravine sectors of the frontier line. The representatives of the Contracting Parties shall set forth the results of such a change in a protocol with a sketch-map showing the frontier mark, which must both correspond exactly in form and content with the other demarcation and re-demarcation documents and be annexed to them.

...

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<sup>82</sup> Came into force on 20 December 1962.

<sup>83</sup> United Nations, *Treaty Series*, Vol. 457, p. 161.

<sup>84</sup> See No. 3.

PART II  
**Regulations Governing the Use of Frontier Waters and of  
Railways and Main Roads Intersecting the Frontier Line**

**Article 7**

1. The term "frontier waters" in this Treaty means those sectors of rivers along which the frontier line runs as indicated in the Soviet-Iranian frontier demarcation and re-demarcation documents of 1955-1956 (1334-1335).
2. The Contracting Parties shall take the necessary measures to ensure that in the use of frontier waters the provisions of this Treaty are observed and the rights and interests of the other Contracting Party are respected.

**Article 8**

1. Vessels (boats and others) of both Contracting Parties shall be entitled to navigate freely in frontier rivers up to the frontier line.
2. Vessels of the Contracting Parties shall be entitled to navigate in frontier waters only during daylight.
3. Residents of each Contracting Party shall be entitled to fish in frontier waters up to the frontier line.

**Article 9**

1. In order to protect the banks against damage and to prevent displacement of the beds of frontier rivers, their banks must be strengthened wherever the competent authorities of the Contracting parties jointly consider it necessary. These operations shall be executed and the relevant expenditure defrayed by the Party to which the bank belongs.
2. Neither Contracting Party may cause an artificial displacement of river beds.  
  
Should the bed of a frontier river be displaced as a result of natural phenomena, the Contracting Parties may jointly and on a basis of equality correct the bed, if such action is deemed necessary by the competent authorities.
3. In accordance with paragraph II of the Protocol annexed to the Agreement of 2 December 1954 (11 Azar 1333) between the USSR and Iran concerning the settlement of frontier and financial questions, a displacement of the bed of frontier rivers shall not change the course of the frontier line unless the Contracting Parties conclude a special agreement to that effect.

## **Article 10**

1. The Contracting Parties shall ensure that frontier waters are maintained in the proper state of cleanliness and are kept free of any artificial pollution and fouling.
2. Frontier watercourses shall be cleaned out on the sectors where such work is jointly considered essential by the competent authorities of the two Contracting Parties. The cost of cleaning in such cases shall be equally divided between the two Contracting-Parties.
3. The cleaning of those sectors of frontier water which are situated wholly in the territory of one of the Contracting Parties shall be carried out by that Party as necessary, at its own expense.
4. In cleaning out frontier waters, the earth, stone, trees and other objects removed shall be thrown out to such a distance from the bank or levelled down in such a way as to avoid any danger that the banks might fall in, or the river bed be polluted, and so as to prevent the flow of water from being obstructed in time of flood.

## **Article 11**

Should unidentified objects be observed by one Contracting Party in frontier waters or on the bank of a river, the competent authorities of that Party shall take steps to establish ownership of the said objects.

The identity of human corpses observed in frontier waters or on the bank of a frontier river, and the ownership of animal carcasses, shall be established jointly by representatives of both Contracting Parties.

## **Article 12**

Residents of the two Contracting Parties shall be entitled to water their livestock at frontier rivers. Livestock brought for watering must not however cross into the territory of the other Party. Should livestock stray to the other side of the frontier, the competent authorities of the Contracting Parties shall take steps to ensure that the livestock is returned without delay.

Watering places shall be determined by frontier commissioners who shall notify the frontier commissioners of the other Party thereof.

## **Article 13**

Questions concerning the erection and working on frontier rivers of any new installations and structures likely to influence the flow of these rivers, as also questions concerning the use of waters, shall be governed by special agreements between the Contracting Parties.

Should the need arise for reconstruction or demolition of any installations on frontier rivers that might change the water level of those rivers, the necessary work may not be undertaken without the consent of the other Party.

#### **Article 14**

The competent authorities of the Contracting Parties shall exchange as regularly as possible such information concerning the level and volume of water in frontier rivers and also concerning precipitation in the interior of the territory of the two Parties as might avert danger or damage from flooding.

...

#### **Article 16**

1. Bridges which intersect the frontier and are open to traffic shall be maintained in good order and repair by each Contracting Party at its own expense up to the frontier line, which shall be marked on the bridge, except as otherwise provided by special agreements. The competent authorities of the Contracting parties shall agree in advance on the organization, dates and nature of such repairs.

2. Each Contracting Party may as necessary make a technical inspection of the section of the frontier bridge situated in the territory of the other Party; the competent authorities of that Party shall be notified of the proposed inspection and the time at which it is to begin not less than forty-eight hours in advance and shall be informed of the results of that inspection when it is completed. The inspection shall be made in the presence of representatives of the competent authorities of that Party.

3. Traffic on frontier bridges shall be regulated by agreement between representatives of the competent authorities.

4. The provisions of this article shall not apply to the railway bridge over the River Araxes at Dzhulfa, the use of which is governed by a special agreement.

5. The erection of new bridges over frontier rivers shall be governed by special agreements between the Contracting Parties.

...

### **PART V**

#### **Frontier Authorities, their Place of Residence, the Areas in their Charge and Regulations for Crossing the Frontier**

#### **Article 21**

The competent authorities referred to in this Treaty shall be: the frontier commissioners and their deputies and assistants.

...

**AGREEMENT<sup>85</sup> BETWEEN IRAN AND THE SOVIET UNION FOR  
THE JOINT UTILISATION OF THE FRONTIER PARTS OF THE  
RIVERS ARAS AND ATRAK FOR IRRIGATION AND  
POWER GENERATION, SIGNED AT TEHERAN ON  
11 AUGUST 1957<sup>86</sup>**

The Imperial Government of Iran and the Government of the Soviet Socialist Republics, signatories to this Agreement, taking cognisance of the friendly relations existing between the two countries and desiring further to strengthen these relations, do hereby agree to utilise their respective equal rights of fifty per cent of all water and power resources of the frontier parts of the rivers Aras and Atrak for irrigation, power generation and domestic use and, to this end, agree to the following joint enterprises.

**Article 1**

The parties hereto agree that the utilisation of the above fifty per cent right on the part of each will require separate and independent division and transmission of water and power in each party's territory, in accordance with the provisions of a general preliminary project prepared for the joint utilisation of the rivers and mutually agreed upon. If the activities of one of the parties in utilising its fifty per cent of all resources are slower than those of the other, this fact shall not deprive that party of its right of utilising all its share.

**Article 2**

Both parties hereto agree jointly to carry out exploration of the rivers Aras and Atrak all along the border common to the U.S.S.R. and Iran and accumulate technical data related to their respective flows. They also agree to carry out necessary outdoor and indoor studies for the preparation of preliminary plans for irrigation and power generation from the strait of Ghis Ghalasi up to the end of the frontier of the river Aras (map attached) and all frontier parts of the Atrak river.

**Article 3**

Taking into consideration the desire of the two parties for an early commencement of the work herein agreed upon, it is further agreed that within three months of the date of the signing of this Agreement, composite groups shall be appointed to commence exploratory work and upon its completion, composite survey teams shall be named by the respective parties to carry out the survey works in the field in respect to joint establishments. These teams shall carry out the survey works in accordance with the schedule attached to this Agreement and shall report to the parties concerned once every

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<sup>85</sup>No information is available regarding the entry into force of this Agreement.

<sup>86</sup>British and Foreign State Papers, Vol. 163, p. 428.

three months, on matters of topography, geology, hydrology, economics and all other matters relating to this Agreement.

#### **Article 4**

The shores of the rivers Aras and Atrak as mentioned in the Articles above, will be jointly explored on both sides by three composite groups, each comprising four experts and one interpreter from each party. For the exploration of the river Aras two composite groups and on the river Atrak one such group will carry out the operations. Each host group will provide the guest members of the composite exploratory and field survey groups, as mentioned in Article 3 above, with transportation and other requisites for subsistence in the host country. The host group will also provide all facilities required for the progress of their operations.

#### **Article 5**

Studies and clerical work on the preliminary plans for establishments that are of mutual interest (division dams and reservoirs for both rivers) will be carried out in the Soviet Territory by the U.S.S.R. party with the participation of the Iranian experts. The Iranian party will send ten experts to the Soviet Union at its own expense to take part in the said works.

...

31

**ADDITIONAL PROTOCOL<sup>87</sup> TO THE AGREEMENT<sup>88</sup> BETWEEN  
IRAN AND THE UNION OF SOVIET SOCIALIST REPUBLICS,  
SIGNED AT TEHERAN ON 2 DECEMBER 1954,  
CONCERNING THE LINE TO BE TAKEN BY THE NEW  
FRONTIER BETWEEN IRAN AND THE UNION OF  
SOVIET SOCIALIST REPUBLICS THROUGH THE RESERVOIRS OF  
THE ARAXES HYDRO-ENGINEERING COMPLEX AND THE MIL-  
MUGAN DIVERSION DAM ON THE RIVER ARAXES, SIGNED AT  
MOSCOW ON 7 MAY 1970<sup>89</sup>**

His Majesty the Shahinshah of Iran and the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics,

Desirous of developing and strengthening the existing friendly and good-neighbourly relations between the two States.

Bearing in mind that as a result of the construction of a dam for the Araxes hydro-engineering complex and of the Mil-Mugan diversion dam on the River Araxes in accordance with the Agreement between the Imperial Government of Iran and the Government of the Union of Soviet Socialist Republics concerning economic and technical co-operation, dated 5 Mordad 1342 (27 July 1963), part of the territory of each State along the frontier will be submerged by the above-mentioned reservoirs, and for the purpose of ensuring favourable conditions for the operation of the above-mentioned installations and the exploitation of the resources of the reservoirs, and of establishing the new frontier line through the reservoirs with full respect for the rights and interests of both Parties.

...

**Article 1**

The Contracting Parties, bearing in mind the equal right of each Party to the water resources of the reservoirs of the Araxes hydro-engineering complex and the Mil-Mugan diversion dam, the convenience of use of their waters and the principle that the territories to be transferred from one Party to the other as a result of the establishment of a new frontier line through the reservoirs should be equal in area, have established the new frontier line through the above-mentioned reservoirs which is described in articles 2 and 3 of the present Protocol.

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<sup>87</sup>Come into force on 11 May 1971.

<sup>88</sup>See No. 3.

<sup>89</sup>United Nations, Treaty Series, Vol. 787, p. 357.



## Article 2

The new frontier line between Iran and the Union of Soviet Socialist Republics in the area of the reservoir of the Araxes hydro-engineering complex in the sector between frontier mark No. 7/2 and frontier mark No. 18, the locations of which are defined by the frontier demarcation and re-demarcation documents of 1334-1335 (1955-1956), shall run as follows:

From frontier mark No. 7/2 to provisional turning point No. 1, which is located 860 metres to the south of the Iranian post at frontier mark No. 12/3 on the frontier established by the demarcation and re-demarcation documents of 1334-1335 (1955-1956) and from that point to the dam of the Araxes hydro-engineering complex, in straight lines through the following turning points.

...

## Article 4

The new frontier line through the reservoirs of the Araxes hydro-engineering complex and the Mil-Mugan diversion dam, and its turning points, shall be established *in situ* on the basis of the map on the scale 1:25 000 attached to the present Protocol and forming an integral part of it.

The new frontier line and its turning points shall be indicated by frontier marks.

## Article 5

1. The Contracting Parties have agreed to establish a Mixed Iranin-Soviet Commission for the purposes of establishing in situ the new frontier line between Iran and the Union of Soviet Socialist Republics through the reservoirs on the River Araxes, preparing a descriptive Protocol concerning the line to be taken by the new frontier through the reservoirs of the Araxes hydro-engineering complex and the Mil-Mugan diversion dam and relevant annexes thereto, and deciding on the physical and other characteristics of, and installing, the frontier marks.

2. In the event that during the work carved out by the Mixed Iranian-Soviet Commission to establish the frontier line in situ and to install the frontier marks it should become necessary, because of the nature of the terrain, technical reasons or other local conditions, to make individual minor adjustments in the line taken by the frontier and in the sites for the installation of frontier marks, such adjustments shall be made in accordance with the principle of equality of the territories to be transferred and with full respect for the interests of both Parties, and shall be specified in the descriptive Protocol concerning the line to be taken by the new frontier.

3. The descriptive Protocol concerning the line to be taken by the new frontier between Iran and the Union of Soviet Socialist Republics through the reservoirs on the River Araxes, together with the annexes thereto, shall enter into force upon confirmation by the Contracting Parties.

## Article 6

The Contracting Parties consider that the line to be taken by the new frontier through the reservoirs of the Araxes hydro-engineering complex and the Mil-Mugan diversion dam shall not present an obstacle to the equal right of both Parties to use the resources of the River Araxes, or to access to the

hydro-engineering installations of the Araxes hydro-engineering complex or the mil-Mugan diversion dam, as provided for by articles 4 and 5 of the Agreement between the Imperial Government of Iran and the Government of the Union of Soviet Socialist Republics concerning economic and technical co-operation, dated 5 Mordad 1342 (27 July 1963).

#### **Article 7**

In the event that the volume of water in the artificial reservoirs of the Araxes hydro-engineering complex and the Mil-Mugan diversion dam should be gradually reduced as a result of the deposit of alluvia, or if for any other reason the above reservoirs should cease to exist or should become unusable, the frontier between the two states in these sectors shall in general follow the middle of the re-formed natural main channel of the River Araxes.

In such a case, the Parties shall consult each other as soon as possible and shall agree on the line to be taken by the frontier in accordance with the principle of equal access to the River Araxes and the principle of the frontier demarcation and re-demarcation of 1334-1335 (1955-1956), while maintaining a balance between such territories as may be transferred from one Party to the other, and also taking into account economic factors.

#### **Article 8**

The present Protocol is an integral part of the Agreement between Iran and the Union of Soviet Socialist Republics concerning the settlement of frontier and financial questions, signed on 11 Azar 1333 (2 December 1954)<sup>90</sup>.

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<sup>90</sup>See No. 3.

**32**  
**AGREEMENT<sup>91</sup> BETWEEN IRAQ AND KUWAIT CONCERNING**  
**THE SUPPLY OF KUWAIT WITH FRESH WATER, SIGNED**  
**AT BAGHDAD ON 11 FEBRUARY 1964<sup>92</sup>**

The Governments of the Republic of Iraq and the State of Kuwait. Being desirous of strengthening the ties of amity and fraternity between them and of furthering their mutual interests.

Motivated by their belief in co-operation among Arab brethren, particularly among Arab neighbours, with a view to the utilization of the resources of natural rivers.

And being further desirous of taking such measures as are necessary for supplying Kuwait with fresh water.

Have Agreed as follows:

**Article one**

- (a) The Government of the Republic of Iraq agrees to the withdrawal by the Government of the State of Kuwait from the waters of natural rivers in Iraq, at the sites selected by it in accordance with the technical surveys and investigations to be conducted later, a quantity amounting to one-hundred and twenty million imperial gallons per day without receiving any return for such quantity.
- (b) The Government of the Republic of Iraq further agrees to enter, upon request, into negotiations with the Government of the State of Kuwait with a view to supplying Kuwait with a larger quantity of waters should it be needed by the latter Government in future.

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<sup>91</sup>No information is available regarding the entry into force of this Agreement.

<sup>92</sup>Iraq, The Weekly Gazette, No. 45, 4 November 1964, p. 3.

**33**  
**TREATY OF PEACE BETWEEN THE STATE**  
**OF ISRAEL AND THE HASHEMITE KINGDOM**  
**OF JORDAN<sup>93</sup>, DONE AT ARAVA/ARABA**  
**CROSSING POINT, 26 OCTOBER 1994**

...

**Article 6. - Water**

With the view to achieving a comprehensive and lasting settlement of all the water problems between them:

- 1.The Parties agree mutually to recognise the rightful allocations of both of them in Jordan River and Yarmouk River waters and Arava/Arava ground water in accordance with the agreed acceptable principles, quantities and quality as set out in Annex II, which shall be fully respected and complied with.
- 2.The Parties, recognising the necessity to find a practical, just and agreed solution to their water problems and with the view that the subject of water can form the basis for the advancement of co-operation between them, jointly undertake to ensure that the management and development of their water resources do not, in any way, harm the water resources of the other Party.
- 3.The Parties recognise that their water resources are not sufficient to meet their needs. More water should be supplied for their use through various methods, including projects of regional and international co-operation.
- 4.In light of paragraph 3 of this Article, with the understanding that co-operation in water-related subjects would be to the benefit of both Parties, and will help alleviate their water shortages, and that water issues along their entire boundary must be dealt with in their totality, including the possibility of trans-boundary water transfers, the Parties agree to search for ways to alleviate water shortages and to co-operate in the following fields:
  - a.development of existing and new water resources, increasing the water availability, including cooperation on a regional basis as appropriate, and minimising wastage of water resources through the chain of their uses;
  - b.prevention of contamination of water resources;
  - c.mutual assistance in the alleviation of water shortages;
  - d.transfer of information and joint research and development in water-related subjects, and review of the potentials for enhancement of water resources development and use.
- 5.The implementation of both Parties' undertakings under this Article is detailed in Annex II.

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<sup>93</sup>Text published by the Ministry of Foreign Affairs of Israel.

## ANNEX II WATER RELATED MATTERS

Pursuant to Article 6 of the Treat, Israel and Jordan agreed on the following Articles on water related matters:

### **Article I. - Allocation**

#### **1. Water from the Yarmouk River**

- a. Summer period - 15th May to 15th October of each year. Israel pumps (12) MCM and Jordan gets the rest of the flow.
- b. Winter period - 16th October to 16th May of each year. Israel pumps (13) MCM and Jordan is entitled to the rest of the flow subject to provisions outlined hereinbelow: Jordan concedes to Israel pumping an additional (20) MCM from the Yarmouk in winter in return for Israel conceding to transferring to Jordan during the summer period the quantity specified in paragraph (2.a) below from the Jordan River.
- c. In order that waste of water will be minimized, Israel and Jordan may use, downstream of point 121/Adassiya Diversion, excess flood water that is not usable and will evidently go to waste unused.

#### **2. Water from the Jordan River**

- a. Summer period - 15th May to 15th October of each year.  
In return for the additional water that Jordan concedes to Israel in winter in accordance with paragraph (1.b) above, Israel concedes to transfer to Jordan in the summer period (20) MCM from the Jordan River directly upstream from Deganya gates on the river. Jordan shall pay the operation and maintenance cost of such transfer through existing systems (not including capital cost) and shall bear the total cost of any new transmission system. A separate protocol shall regulate this transfer.
- b. Winter period - 16th October to 14th May of each year.  
Jordan is entitled to store for its use a minimum average of (20) MCM of the floods in the Jordan River south of its confluence with the Yarmouk (as outlined in Article II below). Excess floods that are not usable and that will otherwise be wasted can be utilised for the benefit of the two Parties including pumped storage off the course of the river.
- c. In addition to the above, Israel is entitled to maintain its current uses of the Jordan River waters between its confluence with the Yarmouk, and its confluence with Tiral Zvi/Wadi Yabis. Jordan is entitled to an annual quantity equivalent to that of Israel, provided however, that Jordan's use will not harm the quantity or quality of the above Israeli uses. The Joint Water Committee (outlined in Article VII below) will survey existing uses for documentation and prevention of appreciable harm.
- d. Jordan is entitled to an annual quantity of (10) MCM of desalinated water from the desalination of about (20) MCM of saline springs now diverted to the Jordan River. Israel will explore the possibility of financing the operation and maintenance cost of the supply to Jordan of this desalinated water (not including capital cost). Until the desalination

facilities are operational, and upon the entry into force of the Treaty, Israel will supply Jordan (10) MCM of Jordan River water from the same location as in (2.a) above, outside the summer period and during dates Jordan selects, subject to the maximum capacity of transmission.

3. Additional Water

Israel and Jordan shall cooperate in finding sources for the supply to Jordan of an additional quantity of (50) MCM/year of water of drinkable standards. To this end, the Joint Water Committee will develop, within one year from the entry into force of the Treaty, a plan for the supply to Jordan of the above mentioned additional water. This plan will be forwarded to the respective governments for discussion and decision.

4. Operation and Maintenance

a. Operation and maintenance of the systems on Israeli territory that supply Jordan with water, and their electricity supply, shall be Israel's responsibility. The operation and maintenance of the new systems that serve only Jordan will be contracted at Jordan's expense to authorities or companies selected by Jordan.

b. Israel will guarantee easy unhindered access of personnel and equipment to such new systems for operation and maintenance. This subject will be further detailed in the agreements to be signed between Israel and the authorities or companies selected by Jordan.

**Article II. - Storage**

1. Israel and Jordan shall cooperate to build a diversion/storage dam on the Yarmouk River directly downstream of the point 121/Adassiya Diversion. The purpose is to improve the diversion efficiency into the King Abdullah Canal of the water allocation of the Hashemite Kingdom of Jordan, and possibly for the diversion of Israel's allocation of the river water. Other purposes can be mutually agreed.

2. Israel and Jordan shall cooperate to build a system of water storage on the Jordan River, along their common boundary, between its confluence with the Yarmouk River and its confluence with Tirat Zvi/Wadi Yabis, in order to implement the provision of paragraph (2.b) of Article I above. The storage system can also be made to accommodate more floods; Israel may use up to (3) MCM/year of added storage capacity.

3. Other storage reservoirs can be discussed and agreed upon mutually.

**Article III. - Water Quality and Protection**

1. Israel and Jordan each undertake to protect, within their own jurisdiction, the shared waters of the Jordan and Yarmouk Rivers, and Arava/Araba groundwater, against any pollution, contamination, harm or unauthorized withdrawals of each other's allocations.

2. For this purpose, Israel and Jordan will jointly monitor the quality of water along their boundary, by use of jointly established monitoring stations to be operated under the guidance of the Joint Water Committee.

3. Israel and Jordan will each prohibit the disposal of municipal and industrial wastewater into the

courses of the Yarmouk and the Jordan Rivers before they are treated to standards allowing their unrestricted agricultural use. Implementation of this prohibition shall be completed within three years from the entry into force of the Treaty.

4. The quality of water supplied from one country to the other at any given location shall be equivalent to the quality of the water used from the same location by the supplying country.

5. Saline springs currently diverted to the Jordan River are earmarked for desalination within four years. Both countries shall cooperate to ensure that the resulting brine will not be disposed of in the Jordan River or in any of its tributaries.

6. Israel and Jordan will protect water systems each in its own territory, supplying water to the other, against any pollution, contamination, harm or unauthorised withdrawal of each other's allocations.

#### **Article IV. - Groundwater in Emek Ha'arava/Wadi Araba**

1. In accordance with the provisions of this Treaty, some wells drilled and used by Israel along with their associated systems fall on the Jordanian side of the borders. These wells and systems are under Jordan's sovereignty. Israel shall retain the use of these wells and systems in the quantity and quality detailed in an Appendix to this Annex, that shall be jointly prepared by 31st December, 1994. Neither country shall take, nor cause to be taken, any measure that may appreciably reduce the yields or quality of these wells and systems.

2. Throughout the period of Israel's use of these wells and systems, replacement of any well that may fail among them shall be licensed by Jordan in accordance with the laws and regulations then in effect. For this purpose, the failed well shall be treated as though it was drilled under license from the competent Jordanian authority at the time of its drilling. Israel shall supply Jordan with the log of each of the wells and the technical information about it to be kept on record. The replacement well shall be connected to the Israeli electricity and water systems.

3. Israel may increase the abstraction rate from wells and systems in Jordan by up to (10) MCM/year about the yields referred to in paragraph 1 above, subject to a determination by the Joint Water Committee that this undertaking is hydrogeologically feasible and does not harm existing Jordanian uses. Such increase is to be carried out within five years from the entry into force of the Treaty.

#### **4. Operation and Maintenance**

a. Operation and maintenance of the wells and systems on Jordanian territory that supply Israel with water, and their electricity supply shall be Jordan's responsibility. The operation and maintenance of these wells and systems will be contracted at Israel's expense to authorities or companies selected by Israel.

b. Jordan will guarantee easy unhindered access of personnel and equipment to such wells and systems for operation and maintenance. This subject will be further detailed in the agreements to be signed between Jordan and the authorities or companies selected by Israel.

#### **Article V. - Notification and Agreement**

1. Artificial changes in or of the course of the Jordan and Yarmouk Rivers can only be made by mutual agreement.
2. Each country undertakes to notify the other, six months ahead of time, of any intended projects which are likely to change the flow of either of the above rivers along their common boundary, or the quality of such flow. The subject will be discussed in the Joint Water Committee with the aim of preventing harm and mitigating adverse impacts such projects may cause.

#### **Article VI. - Co-operation**

1. Israel and Jordan undertake to exchange relevant data on water resources through the Joint Water Committee.
2. Israel and Jordan shall co-operate in developing plans for purposes of increasing water supplies and improving water use efficiency, within the context of bilateral, regional or international cooperation.

#### **Article VII. - Joint Water Committee**

1. For the purpose of the implementation of this Annex, the Parties will establish a Joint Water Committee comprised of three members from each country.
2. The Joint Water Committee will, with the approval of the respective governments, specify its work procedures, the frequency of its meetings, and the details of its scope of work. The Committee may invite experts and/or advisors as may be required.
3. The Committee may form, as it deems necessary, a number of specialized sub-committees and assign them technical tasks. In this context, it is agreed that these sub-committees will include a northern sub-committee and a southern sub-committee, for the management on the ground of the mutual water resources in these sectors.

### **34**

## **CONVENTION<sup>94</sup> BETWEEN LAOS AND THAILAND FOR THE SUPPLY OF POWER. SIGNED AT VIENTIANE, ON 12 AUGUST 1965<sup>95</sup>**

The high contracting parties:

- considering the increasing local power requirements of each country
- considering that the optimum utilization of hydro-electric power through a harmonious cooperation between the two countries is of major interest for economic development
- considering the mutual advantages of regional interconnexion of the high tension networks

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<sup>94</sup>Came into force on 12 August 1965.

<sup>95</sup>United Nations, Treaty Series, Vol. 247, p.209.



covenant and enter into the following agreements:

#### **Article 1**

The high contracting parties decide to establish interconnexion of the high tension electric networks of the two countries.

#### **Article 2**

The installations required to this end shall be constructed by each of the high contracting parties on its own national territory, where each of the two countries shall have full property title to said installations and ensure their operation, with the exception noted in Article 6.

#### **Article 3**

The points of junction of the networks will in each case be subject to special agreements.

#### **Article 4**

The power supplied by one of the high contracting parties to the other shall be paid on quarterly (or monthly) statements, on the basis of the number of Kilowatt hours supplied, at a rate to be determined in accordance with Article 7.

#### **Article 5**

Under this Convention, it is agreed to establish a first interconnexion in the Vientiane-Nongkhai area, at the most appropriate crossing point, for transport and exchanges between Laos and Thailand of hydro-electric power generated at the Nam Pong tributary project in Thailand and the Nam Ngum tributary project in Laos.

#### **Article 6**

The Mekong Committee undertakes to supply, for the transmission of power, transmission lines crossing the Mekong, which lines shall be the property of the Mekong Committee; the Government of Laos undertakes to ensure maintenance and proper operation of this line in its national territory up to the common border between the two countries in the channel of the Mekong river; and the Government of Thailand undertakes to ensure maintenance and proper operation of this line in its national territory up to the common border between the two countries in the channel of the Mekong river.

#### **Article 7**

All implementation methods and the rates to be applied shall be determined by joint agreement of the two Delegations appointed by the power production and distribution authorities of the two

contracting countries, duly empowered to do so by their respective governments.

...

**35**  
**TRAITE<sup>96</sup> ENTRE LA FRANCE ET LE SIAM RELATIF A**  
**LA NEUTRALISATION DU GRAND-LAC, SIGNE A**  
**SAIGON, LE 14 JUILLET 1870<sup>97</sup>**

S.M. l'empereur des Français et S. M. roi de Siam, désirant régler définitivement et d'un commun accord la question relative au régime de la pêche dans les eaux du Grand-Lac du Cambodge, ou mer intérieure, qui se trouve situé entre les royaumes de Siam et du Cambodge,

...

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de l'article suivant, additionnel à la Convention du 15 juillet 1867<sup>98</sup>.

**Article unique.** - Paragraphe premier. - Les Rois de Siam et du Cambodge renoncent réciproquement, pour eux et leurs successeurs, aux droits de propriété exclusive qu'ils revendiquent chacun sur le Grand-Lac ou portion du Grand-Lac limitrophe des deux pays.

En conséquence, il ne sera prélevé aucun droit ou impôt sur les Cambodgiens, Cochinchinois sujets français, ni sur les Siamois se livrant à la pêche dans des bateaux, soit du côté du Cambodge, soit du côté de Siam.

Paragraphe 2. - Les Cambodgiens, les Cochinchinois sujets français, les Siamois qui établiront des hangars ou autres constructions de ce genre pour sécher ou fumer le poisson sur les rives du Grand-Lac, pendant la saison des eaux basses, soit sur le rivage lui-même, soit en les avançant assez loin dans le lac pour y trouver une profondeur d'eau qui permette aux bateaux d'y aborder sans échouer devront payer aux gouvernements de Siam et du Cambodge, selon qu'ils seront sur l'un ou l'autre de ces territoires, un droit de huit et demi pour cent sur la valeur du poisson à exporter. Cet impôt sera payé en argent ou en nature, c'est-à-dire en poissons de la même espèce que ceux qui seront exportés.

Mais les hangars ou autres constructions de ce genre, établis sur les ailes ou les hauts fonds situés dans le lac, et qui sont séparés dans le lac, de la côte par un chenal plus profond, c'est-à-dire qui ne touchent pas au littoral, et établis soit par des Cambodgiens, des Cochinchinois sujets français et des Siamois, ne seront sujets à aucun droit.

Les deux pays conservent seulement la faculté de percevoir des droits sur les produits de la pêche qui passent du Grand-Lac sur leur territoire respectif.

Paragraphe 3. - Tous canaux divergeant du Grand-Lac ou mer intérieure, soit du côté de Siam, soit du côté de Siam, soit du côté du Cambodge, et que certains fonctionnaires sont chargés d'entretenir, seront sujets au régime suivant c'est-à-dire que quiconque voudra pêcher dans les eaux desdits canaux, devra s'entendre avec leur surveillant, relativement au paiement à effectuer, soit en espèces, soit en poissons, ce qui aura été convenu entre les deux parties.

Paragraphe 4. - Les autorités des territoires où sont situés ces canaux, prélèveront les taxes qui

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<sup>96</sup>On ne dispose pas de renseignements concernant l'entrée en vigueur de ce traité.

<sup>97</sup>Martens, Nouveau recueil général de traités, Ser. II, vol. 12, p. 630.

<sup>98</sup>Voir articles 2 et 6 du Traité du 15 juillet 1867, Parry, The Consolidated Treaty Series, vol. 135, p. 213.

leur conviendront sur les pêcheurs des nationalités différentes.

Il ne sera prélevé aucun droit dans les eaux de ruisseaux et des canaux qui servent de frontière entre le Cambodge et les provinces qui appartiennent au Gouvernement Siamois.

Mais les Cambodgiens, les cochinchinois sujets français et les Siamois qui établiront des hangars ou autres constructions de ce genre, devront payer une taxe de 8 1/2 0/0 au gouvernement ou autorité du Cambodge et de Siam, selon qu'ils seront sur l'un ou l'autre de ces territoires. Cet impôt sera payé soit en argent, soit en poissons de la même espèce que ceux exportés.

Il est bien entendu que l'une des rives du prec Compong-prac forme la ligne frontière de la province siamoise de Battambang, et la rive opposée celle du royaume du Cambodge, de même qu'une des rives du prec Compong-thiam forme la ligne frontière de la province siamoise d'Angkor, et la rive opposée celle du Cambodge.

Paragraphe 5. - Dans les cas où des modifications au présent article additionnel paraîtraient désirables, elles ne pourraient se faire qu'après l'espace de douze années révolues et qu'après que l'une ou l'autre des parties contractantes aurait manifesté, une année à l'avance, son intention de ce but.

...

**Complément du deuxième paragraphe de l'article additionnel.**

Les Plénipotentiaires de France et de France et de Siam sont convenus d'un commun accord, et avant la signature de l'article additionnel ci-dessus, d'ajouter au deuxième paragraphe de cet acte la condition ci-après, qui aura la même force et la même valeur que toutes les autres dispositions précédemment insérées dans le but de détruire d'avance toutes les objections:

Dans tous les cas, toute pêcherie éloignée du rivage toujours découvert par les eaux de plus de sept cents mètres, n'aura pas à payer le droit d'exportation.

...

**36**  
**TRAITE ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE**  
**FRANÇAISE ET LE GOUVERNEMENT DE SA MAJESTÉ**  
**LE ROI DE SIAM POUR METTRE UN TERME**  
**AUX CONTESTATIONS SURVENUES ENTRE LES DEUX**  
**PAYS ET CONSOLIDER LES RELATIONS D'AMITIE, SIGNE**  
**A BANGKOK LE 3 OCTOBRE 1893**<sup>99100</sup>

...

**Article 1<sup>er</sup>.** - Le Gouvernement siamois renonce à toute prétention sur l'ensemble des territoires de la rive gauche du Mékong et sur les îles du fleuve.

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<sup>99</sup>Entre en vigueur le 3 février 1894.

<sup>100</sup>British and Foreign State Papers, Vol. 87, p. 187.

**37**  
**CONVENTION<sup>101</sup> ENTRE LA RÉPUBLIQUE FRANÇAISE ET LE SIAM**  
**REGLANT LES RELATIONS ENTRE LES DEUX PAYS,**  
**SIGNÉE A BANGKOK LE 25 AOUT 1926<sup>102</sup>**

...

**Article 3**

En vue d'éviter toutes contestations relatives au tracé de la frontière constituée par le Mékong re le Siam et l'Indochine, les Hautes Parties contractantes conviennent qu'il sera procédé sur ce et d'un commun accord à une détermination de ce tracé.

La définition de la frontière fluviale du Mékong est, à cet effet, précisée comme suit:

- 1° dans les parties de son cours où le Mékong n'est pas divisé en plusieurs bras par des îles, le thalweg du fleuve constitue la frontière entre le Siam et l'Indochine;
- 2° dans les parties de son cours où le Mékong est divisé en plusieurs bras par des îles séparées de la rive siamoise à un moment quelconque de l'année par un bras d'eau courante, la frontière est constituée par le thalweg du bras du fleuve le plus proche de la rive siamoise;
- 3° aux points où l'ensablement ou l'assèchement du bras du fleuve le plus proche de la rive siamoise rattacherait d'une façon permanente à cette rive des îles antérieurement séparées d'elle, la frontière suivrait en principe l'ancien thalweg de ce bras fluvial ensablé ou asséché. Toutefois, la Haute Commission permanente du Mékong sera appelée à examiner pratiquement chaque cas de ce genre qui viendrait à se produire, et elle pourra alors proposer de déplacer cette frontière jusqu'au plus proche thalweg du fleuve, si elle juge ce déplacement désirable, ainsi qu'il est dès maintenant décidé pour les terres fluviales énumérées dans l'alinéa suivant.

Sont définitivement rattachées au territoire siamois les terres fluviales connues sous les noms de Don Khioo, Don Khioo-Noi, Don Noi, Don Nhat, Don Banphaeng, Hat-Saioph-Veunkoum, Don Kookong-Dinnua et Don Somhong, lesquelles peuvent être considérées les unes comme des parties de la rive siamoise, les autres comme de simples dépôts alluvionnaires dépendant de cette rive, plutôt que comme de véritables îles.

Les ressortissants français habitant ou cultivant les terres ci-dessus énumérées, conserveront nationalité. Ils continueront, sous le régime de la loi siamoise et des traités en vigueur, à jouir des droits de résidence, de propriété ou de simple culture.

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<sup>101</sup>Entrée en vigueur le 29 juin 1927.

<sup>102</sup>Nations Unies, Recueil des Traités, vol. 69, p. 313.

La Haute Commission permanente franco-siamoise du Mékong sera chargée de procéder à la mination du tracé de la frontière fluviale ainsi définie, sous réserve de l'approbation des deux ernements intéressés.

Cette détermination comprendra la figuration du tracé de la frontière sur une carte du cours Mékong à l'échelle du 1/10 000. Elle comportera en outre un abornement de la frontière elle-ce dans toutes les parties du cours du Mékong où il sera jugé nécessaire.

...

#### **Article 7**

Dans les deux parties du cours du Mékong qui forment frontière entre le Siam et l'Indochine, les ressortissants des deux pays auront le droit de se livrer à la pêche sur toute la largeur du fleuve, mais seulement à l'aide d'engins flottants ou maniés à la main.

Les installations fixes de pêcherie ne pourront être utilisées dans chacune des deux zones d'eau territoriales que par les ressortissants du pays dont cette zone fait partie.

Aux embouchures des affluents, le droit de pêche dans les eaux du fleuve sera entièrement réservé aux ressortissants du pays qui possède la rive correspondante. La limite sur le fleuve en sera fixée, suivant les lieux et dans chaque cas particulier, par la Haute Commission permanente du Mékong.

#### **Article 8**

Les Hautes Parties contractantes conviennent de réglementer par le moyen d'un arrangement spécial sauvegardant leurs intérêts respectifs, l'utilisation et la dérivation des eaux du Mékong-frontière pour des usages agricoles, industriels ou commerciaux, notamment aux fins d'irrigation et de production d'énergie électrique.

#### **Article 9**

En ce qui concerne les travaux d'entretien ou d'aménagement du Mékong comme voie navigable, dans les deux parties de son cours où il forme frontière, il est convenu que la Haute Commission permanente franco-siamoise du Mékong sera chargée d'élaborer un règlement qui définira les conditions dans lesquelles les deux pays devront dorénavant participer à l'étude, à l'exécution et aux frais desdits travaux. Jusqu'à l'adoption de ce règlement par les Parties intéressées, le régime actuel sera maintenu.

Cette commission aura qualité pour proposer aux deux gouvernements l'exécution de tous travaux qu'elle jugerait utiles ou nécessaires pour entretenir ou améliorer la navigabilité du fleuve; elle pourra également être appelée à donner son avis sur tous programmes de travaux de même nature que leur communiquerait les deux Parties intéressées.

## Article 10

Il sera constitué une "Haute Commission permanente franco-siamoise du Mékong" composée, en nombre égal, de fonctionnaires du Siam et de l'Indochine.

En plus des attributions dont elle est investie par les articles 2, 3, 5, 6 et 9 de la présente convention, la Haute Commission permanente franco-siamoise du Mékong aura, d'une façon générale, pour mission de veiller à l'exécution des divers arrangements spéciaux concernant la région frontière et d'étudier toutes questions soulevées par l'application du nouveau régime institué pour cette région; elle donnera notamment son avis dans le cas où surgiraient des contestations relatives au tracé de la frontière fluviale. Elle pourra aussi proposer toutes solutions utiles en vue du règlement amiable des questions relatives aux droits de culture exercés à titre précaire par les ressortissants des deux pays sur les terrains du lit du fleuve. Dans tous les cas, l'adoption de ses propositions demeurera subordonnée à l'approbation écrite et concertée des deux gouvernements intéressés.

La Haute Commission permanente franco-siamoise du Mékong sera également chargée de fournir aux deux gouvernements intéressés tous renseignements utiles et de procéder à l'élaboration de tous règlements nécessaires pour assurer, dans les meilleures conditions de coopération, la police et la navigation, la police sanitaire et la police de sûreté dans la région frontière. Ces règlements pourront prévoir des sanctions pénales et seront mis simultanément en vigueur par les deux gouvernements intéressés quand tous deux se seront mis d'accord à leur égard.

Il sera négocié, aussitôt que possible, entre le Siam et l'Indochine, un arrangement portant création et réglementation organique de la "Haute Commission permanente franco-siamoise du Mékong" destiné à fixer, dans l'esprit du présent article, les conditions d'organisation et de fonctionnement de ladite commission.

...

## Article 16

Sont abrogées toutes les dispositions des traités et accords conclus entre la France et le Siam antérieurement au Traité du 14 février 1925<sup>103</sup> qui ne sont point compatibles avec la présente Convention.

Toutefois, les relations qui doivent faire l'objet des arrangements complémentaires prévus par la présente convention resteront, jusqu'au jour de l'application de ces arrangements, régies par les dispositions anciennement en vigueur ou celles qui leur ont été substituées par le Traité du 14 février 1925.

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<sup>103</sup>Nations Unies, Recueil des Traités, vol. 43, p. 189.



**38**  
**CONVENTION<sup>104</sup> DE PAIX ENTRE LA FRANCE ET**  
**LA THAÏLANDE, AVEC PROTOCOLE, SIGNÉE A**  
**TOKYO LE 9 MAI 1941<sup>105</sup>**

Le Chef de l'Etat français et Sa Majesté le Roi de Thaïlande;

Ayant accepté la médiation du Gouvernement du Japon en vue d'apporter un règlement final au conflit armé survenu à la frontière de l'Indochine française et de la Thaïlande;

Reconnaissant la nécessité de procéder au rajustement de la frontière actuelle de l'Indochine française et de la Thaïlande, en vue de prévenir le retour de conflits à cette frontière, et de s'entendre sur les moyens de maintenir la tranquillité dans la zone frontière;

...

**Article 1<sup>er</sup>.** - Les relations amicales sont rétablies entre la France et la Thaïlande sur la base fondamentale du Traité d'Amitié, de Commerce et de Navigation du 7 décembre 1937<sup>106</sup>.

En conséquence, des négociations diplomatiques directes seront engagées dans le plus bref délai à Bangkok pour la liquidation des toutes les questions en suspens résultant du conflit.

2. La frontière entre l'Indochine française et la Thaïlande sera ajustée ainsi qu'il suit:

En partant du nord, la frontière suivra la fleuve Mékong depuis le point de jonction des frontières de l'Indochine française, de la Thaïlande et de la Birmanie, jusqu'au point où le Mékong coupe le parallèle du quinzième grade. (Carte du Service géographique de l'Indochine - Echelle de 1:500 000).

Dans toute cette partie, la frontière sera constituée par la ligne médiane du chenal de navigation principal. Toutefois, il est expressément convenu que l'île de Khong restera territoire de l'Indochine française, tandis que l'île de Khone sera attribuée à la Thaïlande.

La frontière suivra ensuite , vers l'ouest, le parallèle du 15ème grade puis, vers le sud, le méridien qui passe par le point d'aboutissement au Grand Lac de la limite actuelle des provinces de Siemréap et de Battambang (embouchure de Stung Kombat).

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<sup>104</sup>Entrée en vigueur le 5 juillet 1941.

<sup>105</sup>British and Foreign State Papers, vol. 144, p. 805,

<sup>106</sup>British and Foreign State Papers, vol. 141, p. 990.

Dans toute cette partie, la Commission de délimitation prévue à l'article 4 s'efforcera, s'il y a lieu, de rattacher la frontière à des lignes naturelles ou à des limites administratives, voisines du tracé défini ci-dessus, de manière à éviter, dans la mesure du possible, des difficultés pratiques ultérieures.

Sur le Grand Lac, la frontière sera constituée par un arc de cercle de 20 kilomètres de rayon joignant le point d'aboutissement au Grand Lac de la limite actuelle des provinces de Siemréap et de Battambang (embouchure du Stung Kombot) au point d'aboutissement au Grand Lac de la limite actuelle des provinces de Battambang et de Pursat (embouchure du Stung Dontri).

Dans toute l'étendue du Grand Lac, la navigation et la pêche seront libres pour les ressortissants des deux hautes parties contractantes, sous réserve du respect des installations fixes de pêche établies le long du rivage. Il est entendu que, dans cet esprit, les hautes parties contractantes élaboreront, dans le plus bref délai, une réglementation commune de la police, de la navigation et de la pêche sur les eaux du Grand Lac.

A partir de l'embouchure du Stung Dontri, la nouvelle frontière suivra, en direction du sud-ouest, l'actuelle limite des provinces de Battambang et de Pursat, jusqu'au point de rencontre de cette limite avec la frontière actuelle de l'Indochine française et de la Thaïlande (Khao Koup) qu'elle suivra ensuite sans modifications jusqu'à la mer.

3. Les territoires compris entre la frontière actuelle de l'Indochine française et de la Thaïlande et la nouvelle ligne frontière définie à l'article 2, seront évacués et transférés conformément aux modalités prévues au protocole annexé à la présente convention (Annexe 1).

4. Les travaux de délimitation de la frontière de l'Indochine française et de la Thaïlande, telle qu'elle est définie à l'article 2, seront effectués, tant en ce qui concerne la partie terrestre que la partie fluviale de cette frontière, par une Commission de délimitation que sera constituée dans la semaine suivant la mise en vigueur de la présente convention et qui achèvera ses travaux dans le délai d'un an.

La constitution et le fonctionnement de ladite commission font l'objet du protocole annexé à la présente convention (Annexe II).

5. Les territoires cédés seront incorporés à la Thaïlande sous les conditions suivantes:

(1) Ils seront démilitarisés dans toute leur étendue, à l'exception des territoires limitrophes du Mékong, faisant antérieurement partie du Laos français.

...

**39**  
**EXCHANGES OF NOTES<sup>107</sup> BETWEEN HIS MAJESTY'S**  
**GOVERNMENT IN THE UNITED KINGDOM AND THE**  
**GOVERNMENT OF THAILAND REGARDING THE BOUNDARY**  
**BETWEEN BURMA AND THAILAND, DONE AT BANGKOK ON**  
**1 OCTOBER 1940 AND 10 DECEMBER 1940<sup>108</sup>**

Sir J. Crosby to Major-General Luing Pibulasonggram

Bangkok, October 1, 1940

M. Le Ministre,

In accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland have considered the report drawn up by the Commissioners of the Governments of Thailand and Burma who, in March 1939, examined the changes in the channel of the River Meh Sai with reference to the boundary between Thailand and Burma, and are prepared to adopt the recommendations contained therein.

2. I have accordingly the honour to propose that in accordance with the principle contained in the notes exchanged at Bangkok on the 27th August 1931/14 March 1932<sup>109</sup>, the boundary shall be deemed to be modified to the extent proposed in paragraphs 2 and 3 of the memorandum and map attached hereto as signed by the respective Commissioners. I have further the honour to propose the adoption of the principles enunciated in sub-paragraphs (b), (c) and (d) of paragraph 4 of the annexed memorandum, for determining the national status of inhabitants of territory transferred from one country to the other by reason of the present or any future change in the course of the River Meh Sai.

3. If the Thai Government agree to this proposal, I would suggest that the present note and your Excellency's reply in similar terms, together with the original memorandum and map, be regarded as constituting an agreement between the Government of the United Kingdom and the Thai Government with effect from the date of your Excellency's note.

I avail, etc.

J. Crosby.

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<sup>107</sup>Came into force on 10 December 1940.

<sup>108</sup>League of Nations, Treaty Series, Vol. 203, p. 433.

<sup>109</sup>See No. 3.

### Memorandum

1. In respect of the Meh Sai river which forms the boundary between Thailand and Kengtung by the Agreement of 1891, there exist an Agreement and Exchange of Notes of the 27th August, 1931/14 March, 1932, between the Thai and British Governments. The principle laid down in the said Agreement and Exchange of Notes is that in the future, should the Meh Sai river again change its course, the two Governments would be prepared always to hold the "Deep Water Channel" of the river as the boundary, irrespective of any territorial loss that may be caused by such change.

2. Now the Meh Sai river has again changed its course by cutting into the land on the Kengtung side which lies between the steel bridge across the Meh Sai river and the junction of the Meh Sai and the Meh Ruak rivers, and leaving a large part of the old channel silted up.

3. We have examined both the old and the new channels of the Meh Sai river as shown in the map hereto attached, and are satisfied that the new channel is the deep water channel.

4. We therefore beg to submit that:

(a) In accordance with the principle laid down in the Agreement and Exchange of Notes of the 27th August, 1931/14 March, 1932, referred to in paragraph 1 above, the new channel of the Meh Sai river which is the deep water channel should be adopted as the boundary between Thailand and Kengtung, subject to the understanding that the principle of the "Deep Water Channel" is to remain applicable in the event of the Meh Sai river again changing its channel in the future.

(b) British subjects habitually resident in the territory which is to be transferred from British to Thai sovereignty should cease to be British subjects and should acquire Thai nationality unless they make application to retain British nationality to the appropriate British authority within six months from the date of the formal transfer of the territory in question.

(c) The same rule should apply permanently, *mutatis mutandis*, as regards territory which may in the future be transferred from British to Thai sovereignty or *vice versa* as the result of the redelimitation of the boundary between Thailand and Kengtung in accordance with the Agreement and Exchange of Notes of the 27th August, 1931/14 March, 1932.

(d) The British Government will, through their Representative at Bangkok, notify the Thai Government as soon as possible of all applications made in accordance with sub-paragraph (b) above, and the Thai Government will similarly notify the British Representative at Bangkok of all applications made in accordance with sub-paragraph (c).

5. A Map showing the positions of the new and the old channels of the Meh Sai river is hereto attached.

...

Major-General Luang Pibulasonggram to Sir J. Crosby

MINISTRY OF FOREIGN AFFAIRS.

M. Le Ministre,

Saranrom Palace, October 1, 1940

I have the honour to acknowledge the receipt of your note of today's date informing me that the Government in the United Kingdom of Great Britain and Northern Ireland are prepared to adopt the recommendations contained in the report drawn up by the Commissioners who, in March 1939, examined the changes in the channel of the River Meh Sai in relation to the boundary between Thailand and Burma.

2. In reply, I have the honour to inform you that, for their part, His Majesty's Government approve the recommendations contained in the report referred to above, and are in agreement with the proposal set forth in your note under reply, namely, that, in accordance with the principle contained in the notes exchanged at Bangkok on the 27th August, 1931/14 March 1932, the boundary should be deemed to be modified to the extent proposed in paragraphs 2 and 3 of the recommendations set forth in the memorandum and map attached hereto as signed by the respective Commissioners. The Thai Government are also prepared to adopt the principles enunciated in sub-paragraphs (b), (c) and (d) of the said memorandum for determining the national status of inhabitants of territory transferred from one country to the other by reason of the present or any future change in the course of the River Meh Sai.

3. In accordance with the suggestion contained in the last paragraph of your Excellency's note, that note and my present note, together with the said original memorandum and map, will be regarded as constituting an agreement between the Thai Government and the Government of the United Kingdom with effect from this day's date.

...

Sir J. Crosby to Major-General Luang Pibulasonggram

M. Le Ministre,

Bangkok, December 10, 1940.

Your Excellency will recall that I was able to inform you on the 24th May last that the Government of Burma had agreed in principle to the proposal of the Thai representatives, put forward at the conference of local officials held at Chiengrai on the 22nd and 23rd March, 1939, to examine the situation arising from changes since 1932 in the deep-water channel of the Meh Sai river, that the deep-water channel of the River Meh Ruak also, where it forms the frontier between Burma and Thailand should be accepted as the boundary. In accordance with the instructions of His Majesty's Principal Secretary of State for Foreign Affairs, I have now the honour to inform you that, on behalf of the Government of Burma, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are desirous of submitting the following proposals for the consideration of the Thai Government:

- (i)A. - As from the coming into force of the present agreement, the boundary between Burma and Thailand in the section which lies along the River Meh Ruak shall be situated along the deep-water channel of the said river or, in other words, on the line of minimum level along the river-bed.
- B. - In the event of any sudden natural change in the course of the river any transfer of territory which may be entailed thereby shall be confirmed by an agreement between the two contracting Governments.
- (ii)British subjects habitually resident in territory which may be transferred from British to Thai sovereignty in virtue of paragraph (i) shall cease to be British subjects and shall acquire Thai nationality unless they make an application to retain British nationality to the appropriate British authority within six months from the date of the coming into force of the agreement confirming the transfer of the territory in question.

- (iii) The same rule, *mutatis mutandis*, shall apply as regards territory which may be transferred from Thai to British sovereignty.
- (iv) His Majesty's Representative at Bangkok will notify the Thai Government as soon as possible of all applications made in accordance with paragraph (ii) above, and the Thai Government will similarly notify His Majesty's Representative in Bangkok of all applications made in accordance with paragraph (iii).
- (v) Nothing in the foregoing shall affect the national status of persons who are not British subjects at the time of the transfer of territory from British to Thai sovereignty, or of persons who are not Thai subjects at the time of transfer of territory from Thai to British sovereignty.
- (vi) In accordance with the proposal contained in paragraph (i) above, the area known as the Koh Chang or Kaw Chang, bounded by the former (or south) deep-water channel of the Meh Ruak river, and by the present (or north) deep-water channel of that river, shall be transferred forthwith from British to Thai sovereignty.

...

A map showing the variation in the frontier referred to in (vi) above, signed by Mr. Stewart, Assistant Executive Engineer, Federated Shan States, Public Works Department, and by Phya Prakit Kolasastra, Chief Engineer, Department of Public and Municipal Works, Thailand, is attached to this note.

If the Thai Government agree to these proposals, I have the honour to suggest that the present note, together with your Excellency's reply in similar terms, shall constitute an agreement between the Government of the United Kingdom on the one hand and the Thai Government on the other, with effect from the date of your Excellency's note.

...

Major-General Luang Pibulasonggram to Sir J. Crosby

MINISTRY OF FOREIGN AFFAIRS

M. Le Ministre

Saranrom Palace, December 10, 1940

I have the honour to acknowledge the receipt of your note of today's date, in which you inform me on behalf of the Government of Burma that the Government of the United Kingdom of Great Britain and Northern Ireland are desirous of submitting the following proposals for the consideration of the Thai Government:

...

In reply, I have the honour to inform you that, for their part, His Majesty's Government agree to the above-mentioned proposals, and that they accept as showing the variation in the frontier referred to in paragraph (vi) the map attached to your note, a copy of which map is likewise attached to the present note from myself.

In accordance with the suggestion contained in the last paragraph of your Excellency's note, that note and my present note will be regarded as constituting an agreement between the Thai Government on the one hand and the Government of the United Kingdom on the other, with effect from this day's date.

...