

No. 476

AFGHANISTAN
and
UNION OF SOVIET SOCIALIST REPUBLICS

Frontier Agreement (with protocol and exchange of notes).
Signed at Moscow, on 13 June 1946

Persian and Russian official texts communicated by the Permanent Representative of Afghanistan to the United Nations. The registration took place on 6 June 1949.

AFGHANISTAN
et
UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES

Accord relatif à des questions de frontière (avec protocole et échange de notes). Signé à Moscou, le 13 juin 1946

Textes officiels persan et russe communiqués par le représentant permanent de l'Afghanistan auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 6 juin 1949.

TRANSLATION — TRADUCTION

No. 476. FRONTIER AGREEMENT¹ BETWEEN AFGHANISTAN AND THE UNION OF SOVIET SOCIALIST REPUBLICS. SIGNED AT MOSCOW, ON 13 JUNE 1946

With a view to the consolidation of the friendly relations happily existing between the two countries and in the interests of their further development, the State of Afghanistan, on the one hand, and the Union of Soviet Socialist Republics, on the other hand, have decided to conclude the present Agreement and have appointed as their representatives for this purpose:

For His Highness the Padishah of the State of Afghanistan: Sultan Ahmed Khan, Ambassador of Afghanistan to the Union of Soviet Socialist Republics;

For the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics: Vyachaslav Mikhailovich Molotov, Minister of Foreign Affairs of the Union of Soviet Socialist Republics;

Who, after exchanging their full powers, found to be in good and due form, have agreed as follows:

Article 1

The State frontier line between Afghanistan and the USSR on the river Amu-Darya and the navigable part of the river Pyandzh shall follow the thalweg. If it should appear impossible to establish the position of the thalweg, the frontier line shall follow the median line of the principal fairway of those rivers and the median line of the unnavigable section of the river Pyandzh. The island of Aral-Pagambar shall, as hitherto, form part of the territory of the USSR, and the island of Urta-Tagai shall continue to form part of the territory of Afghanistan.

Article 2

The exact delimitation of the State frontier line referred to in article 1 of the present agreement, from the village of Khamiab to Lake Sar-i-Kul, shall be entrusted to a Mixed Commission to consist of three representatives of each of the Parties. This Mixed Commission shall map the said frontier line,

¹ Came into force on 17 January 1947, upon the exchange of the instruments of ratification at Kabul, in accordance with article 4.

shall determine the ownership of the islands, and shall set up appropriate boundary posts where to do so is considered necessary. On completion of this work the Commission shall compile a detailed description of the frontier line and the situation of the boundary posts. The Commission shall start its work within three months from the date of the entry into force of the present agreement.

The protocols of the Commission containing the description and map of the frontier shall be ratified by the Governments of the Contracting Parties.

Article 3

The Mixed Commission referred to in Article 2 of the present Agreement shall determine the ownership of the islands on the rivers Amu-Darya and Pyandzh as follows:

The islands situated between the thalweg or the median line of the principal fairway and the left bank of the river Amu-Darya and the navigable section of the river Pyandzh shall belong to Afghanistan; and the islands situated between the thalweg or the median line of the principal fairway and the right bank of the said rivers shall continue to form part of the territory of the USSR.

On the unnavigable section of the river Pyandzh the ownership of the islands shall be determined by the position of the State frontier line.

Article 4

The present agreement shall be subject to ratification. The exchange of instruments of ratification shall take place in Kabul as soon as possible after the date of signature. The agreement shall come into force on the date of exchange of the instruments of ratification.

Article 5

The present agreement has been drawn up in duplicate, in Persian and Russian, both texts being authentic.

DONE at Moscow, on 13 June 1946, corresponding to 23 Jawza 1325 in the Afghan calendar.

For the Presidium
of the Supreme Soviet
of the USSR:

(Signed) V. MOLOTOV

[SEAL]

For His Highness
the Padishah
of the State of Afghanistan:

(Signed) SULTAN AHMED

[SEAL]

P R O T O C O L

In connexion with the signature this day of the Frontier Agreement between Afghanistan and the Union of Soviet Socialist Republics, the Contracting Parties state that articles 9 and 10 of the treaty of 28 February 1921¹ between the RSFSR and Afghanistan are held to have expired and to have lost their validity in consequence.

The present protocol shall form part of the agreement signed this day.

13 June 1946, corresponding to 23 Jawza 1325 in the Afghan calendar.

For the Presidium
of the Supreme Soviet
of the USSR:

(Signed) V. MOLOTOV

[SEAL]

For His Highness
the Padishah
of the State of Afghanistan:

(Signed) SULTAN AHMED

[SEAL]

E X C H A N G E O F N O T E S

I

13 June 1946

Mr. Ambassador,

I have the honour to inform you that the Government of the USSR agrees for its part to commence as soon as possible the re-demarcation of the land frontier from Zulfikar to Khamiab on the basis of the documents and maps of the Anglo-Russian Demarcation Commission of 1885-1888, for which purpose a Mixed Soviet-Afghan Commission shall be appointed.

I have the honour to be, etc.

(Signed) V. MOLOTOV

H. E. Sultan Ahmed Khan
Ambassador of Afghanistan
Moscow

¹ De Martens, *Nouveau Recueil général de Traités*, third series, Tome XVIII, page 323.

II

13 June 1946

Mr. Minister,

I have the honour to inform you that the Afghan Government agrees to commence as soon as possible the re-demarcation of the land frontier from Zulfikar to Khamiab on the basis of the documents and maps of the Anglo-Russian Demarcation Commission of 1885-1888, for which purpose a Mixed Afghan-Soviet Commission shall be appointed.

I have the honour to be, etc.

(Signed) SULTAN AHMED KHAN

H. E. Mr. Molotov
Minister of Foreign Affairs
of the Union of Soviet Socialist Republics
Moscow

III

13 June 1946

Mr. Ambassador,

I have the honour to inform you that, guided by the desire to settle in a spirit of friendly relations between both Parties the question of the utilization of the waters of the river Kushka and the question of the construction of a dam on the river Murghab, the Soviet Government agrees to cancel the order prohibiting the Afghan Party from using water from the river Kushka north of Chihil Dukter as was provided in the documents of the Anglo-Russian Demarcation Commission of 1885-1888. Nevertheless, the Afghan Party shall not increase the quantity of water taken from the river Kushka in this area and shall observe the *status quo* in this respect.

The Soviet Government waives the right to construct a dam on the river Murghab and to utilize the Afghan bank of the river for this purpose, on the condition that the Afghan Party does not construct such a dam on its territory in the frontier sector as would diminish the flow of water from this river on to Soviet territory.

I have the honour to be, etc.

(Signed) V. MOLOTOV

H. E. Sultan Ahmed Khan
Ambassador of Afghanistan
Moscow

IV

13 June 1946

Mr. Minister,

I have the honour to confirm receipt of your note of to-day's date which states the following:

[*See note III*]

In connexion with the above, I have the honour to inform you that the Afghan Government agrees for its part with the settlement of the question of the use of water from the river Kushka and of the right to construct a Soviet dam on the river Murghab, contained in your above-mentioned note.

I have the honour to be, etc.

(*Signed*) SULTAN AHMED KHAN

H. E. Mr. Vyachaslav Mikhailovich Molotov
Minister of Foreign Affairs
of the Union of Soviet Socialist Republics
Moscow
