

No. 4336

**CZECHOSLOVAKIA
and
HUNGARY**

**Treaty (with Final Protocol) concerning the régime of state
frontiers. Signed at Prague, on 13 October 1956**

Official texts: Czech and Hungarian.

Registered by Czechoslovakia on 14 May 1958.

**TCHÉCOSLOVAQUIE
et
HONGRIE**

**Traité (avec Protocole final) relatif au régime de la fron-
tière d'État. Signé à Prague, le 13 octobre 1956**

Textes officiels tchèque et hongrois.

Enregistré par la Tchécoslovaquie le 14 mai 1958.

[TRANSLATION — TRADUCTION]

No. 4336. TREATY¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING THE RÉGIME OF STATE FRONTIERS. SIGNED AT PRAGUE, ON 13 OCTOBER 1956

The Czechoslovak Republic and the Hungarian People's Republic, being desirous of maintaining due order on the frontier between the two friendly States, have resolved to conclude a treaty to that end.

For that purpose they have appointed their plenipotentiaries who, having exchanged their full powers, found to be in good and due form, have agreed as follows :

CHAPTER I

THE STATE FRONTIER LINE AND MAINTENANCE OF FRONTIER MARKS

Article 1

(1) The State frontiers between the Czechoslovak Republic and the Hungarian People's Republic are defined in article 1, paragraphs 4 (*b*) and 4 (*c*) of the Treaty of Peace signed at Paris on 10 February 1947;² in the Final Protocol, signed at Bratislava on 22 December 1947, relating to the work of the Boundary Commission composed of representatives of the Czechoslovak and Hungarian Governments in conformity with article 1, paragraph 4 (*d*) of the Paris Peace Treaty; and in the Final Protocol, signed at Bratislava on 6 June 1952, relating to the negotiations between representatives of the Czechoslovak Government and representatives of the Council of Ministers of the Hungarian People's Republic concerning the settlement of minor differences on the Czechoslovak-Hungarian State frontiers.

(2) The State frontier line is referred to in this Treaty as the "frontier line." The frontier line as defined in the international agreements referred to in paragraph 1 shall constitute the frontier on the ground and, in the vertical direction, the frontier above and below the ground.

Article 2

(1) On sectors where it runs over land, the frontier line shall, as a rule, follow a straight course from one frontier mark to the next.

¹ Came into force on 10 February 1958, as from the date of the exchange of the instruments of ratification at Budapest, in accordance with article 27.

² United Nations, *Treaty Series*, Vol. 41, p. 135.

(2) On sectors where it runs over land and follows the line of some contour or feature of the terrain (precipice, ditch, ravine, road, etc.), the frontier line shall, as a rule, follow a straight, broken or crooked course through the middle of the said contour or feature of the terrain.

(3) On sectors where it runs over water, the frontier line shall follow the middle of the bed of unnavigable rivers, canals or streams, or in the case of navigable rivers, the median line of the main navigable channel at the lowest navigable level.

(4) The course of the frontier line shall be laid down in detail in technical frontier documents.

Article 3

(1) On sectors where it runs over water, the frontier line shall vary with the changes brought about by natural causes in the median line of the bed of rivers, streams or canals or in the main navigable channels of navigable rivers. The frontier line shall not be affected by other changes in the flow of a frontier water course unless the Parties conclude a separate agreement to that effect.

(2) In determining on the spot a frontier line following the middle of an unnavigable river, stream or canal, all creeks and arms of rivers shall be disregarded. The middle of such rivers, streams and canals shall be deemed to be a line equidistant from the straightened lines of both banks. Where any such line of the bank cannot be accurately determined, the middle of a frontier watercourse referred to in this paragraph shall be deemed to be the median line of the surface at low water level.

(3) The occurrence of any changes referred to in paragraph 1 shall be attested jointly by the competent technical authorities of the two Parties.

(4) Any change in the bed brought about by natural causes which involves a change in the national character of landed property, constructions, or technical or other installations, shall not change the course of the frontier line, which shall continue to run in the bed in which it ran before such change. Unless an agreement is reached between the Parties concerning the transfer of the frontier line to the new bed, the water shall be re-directed at the joint expense of both Parties to the original bed, if one of the Parties so requests within one year from the occurrence of the change. Until such time, both Parties shall retain their previous right of user over the water of the new bed. The manner in which that right is to be exercised shall be determined forthwith by the competent frontier authorities.

(5) If no special agreement is reached between the Parties concerning the transfer of the frontier line to the new bed and if the water is not re-directed to its original bed, a Mixed Commission shall determine the existing frontier line and shall mark it in the technical frontier documents. During this operation,

the frontier line which previously followed the river, stream or canal in a broken or crooked line, may be straightened.

(6) The changes in the course of the frontier line referred to in paragraph 1 shall not affect the national character of the islands in frontier rivers, unless specially so agreed by the Parties.

Article 4

(1) The course of the frontier line shall be designated on the spot by the following frontier marks :

- (a) At the junction of the frontiers of Czechoslovakia, Hungary and Austria, by a three-sided granite pyramid;
At the junction of Czechoslovakia, Hungary and the Union of Soviet Socialist Republics, which is in the bed of the Tisza river, by three reinforced concrete pillars;
- (b) At the points separating individual frontier sectors, by sectoral stone markers;
- (c) At intermediate points on the frontier sectors, depending on the importance of the point on the frontier line, by main secondary or ancillary stone markers or by wooden posts on the frontier line itself;
- (d) On a frontier river, road or ditch, by main, secondary or ancillary stone markers placed in pairs at the beginning and the end thereof and, in between, alternately on the two banks of the frontier river or on the edge of the road or ditch.

(2) The description of frontier marks and their position in relation to the frontier line shall be given in the technical frontier documents.

Article 5

(1) Responsibility for the maintenance and restoration of the frontier marks shall be assumed :

- (a) In the case of marks which are placed in pairs or alternately along a frontier river, road or ditch, by the Party on whose territory they are situated;
- (b) In the case of marks on the frontier line itself, by the Czechoslovak Republic on frontier sectors IV, VI, VII, VIII, IX and X, and by the Hungarian People's Republic on frontier sectors I, XI, XII, XIII, XIV, XV, XVII and XIX.

(2) Trigonometric and polygonal marks situated on the frontier line shall be maintained by the Parties in accordance with the provisions of paragraph 1 (b). Trigonometric and polygonal marks which are not situated on the frontier line

but are referred to in the technical frontier documents, and also altitude marks, hydrographic profile marks and kilometre marks situated along frontier rivers shall be maintained by the party on whose territory they are situated.

(3) Authorities engaged in surveying and hydrotechnical work may use the marks referred to in paragraph 2 at any time they may deem appropriate. Advance notice of any such work shall be given in good time to the competent technical authority of the other Party, which shall be responsible for giving immediate notice thereof to the frontier authorities.

Article 6

The Parties undertake :

- (a) To maintain the frontier marks in such order that they accord with the information given in the technical frontier documents;
- (b) To clear all vegetation from a strip one metre in width running along the frontier line, along the edges of frontier roads, ditches, etc., and around frontier marks not situated on the frontier line, so that the course of the frontier line may be clearly visible on the spot; in forests and gardens, the strip one metre in width shall not be obscured by the branches of trees.
- (c) To prohibit all buildings or installations on the frontier strip, with the exception of those which are used for the purpose of safeguarding the State frontiers or concerning which the two Parties have reached an agreement;
- (d) To ensure that the competent authorities of the two Parties shall notify each other at least ten days in advance of the place and time at which the clearing of the frontier strips shall begin.

Article 7

(1) The competent authorities of each Party shall independently inspect the frontier marks and the frontier strips. The competent authorities of the two Parties shall also carry out annual joint inspections.

(2) The joint inspection shall be carried out in June of every year. The exact time at which the joint inspection shall begin shall be determined by the competent authorities of the two Parties by mutual agreement.

(3) If the competent authority of one Party should consider that it is necessary to carry out an additional joint inspection in the same year, it shall make a request to that effect to the competent authority of the other Party, which may not refuse to carry out the inspection but may propose a different time therefor. The inspection shall be carried out within ten days from the submission of the original proposal.

(4) Amendments or additions to the technical frontier documents shall be made only by agreement between the two Parties. The papers relating to amendments or additions shall be annexed to the technical frontier documents.

(5) A record of the agreements reached on the occasion of joint inspections shall be drawn up by the representatives of the competent authorities of the two Parties in duplicate, in Czech or Slovak and in Hungarian. The two texts shall be equally authentic.

Article 8

(1) If a frontier mark is destroyed, moved, stolen, overturned or damaged, it shall be replaced or repaired by the competent authorities of the Party to whose care it has been assigned under article 5, paragraph 1. The competent authorities of one Party shall be bound to notify the competent authorities of the other Party of the commencement of such work not less than twenty days in advance.

(2) When a frontier mark is replaced, care shall be taken that it is restored to its original site. For this purpose the technical frontier documents should be used as a guide and the position of the frontier mark should be verified on the spot by check measurements. The new frontier marks must conform with the specimens shown in the technical frontier documents.

(3) A frontier mark which has been damaged by floods or floating ice may be re-erected at a point where it will not be threatened.

(4) A frontier mark may be replaced or moved only with the consent of the competent authorities of the two Parties and in the presence of their representatives. On replacing or moving any frontier mark the representatives of the competent authorities shall draw up a joint report in duplicate, in Czech or Slovak and in Hungarian, and shall attach thereto a sketch showing any change in the position of such mark. The technical frontier documents shall be corrected in conformity with the sketch.

(5) The rectification of defects in a frontier mark which do not require the use of a technical frontier document (frontier marks which have become loose, tilted, broken, etc.) may be carried out by the competent authorities of the Party responsible under article 5, paragraph 1, without the participation of representatives of the competent authorities of the other Party. The frontier authorities of the other Party shall, however, be notified in advance.

(6) The Parties shall take appropriate steps to ensure that frontier marks are not damaged and shall take proceedings against any persons found guilty of stealing, destroying, moving, overturning or damaging a frontier mark. The cost of replacing frontier marks in such cases shall be borne by the Party in

whose territory the offender resides. If the identity of the Offender cannot be determined or if the destruction, overturning or damage to the signs is the result of natural causes, the cost shall be borne by the Party responsible for maintaining the marks under article 5, paragraph 1.

CHAPTER II

FRONTIER WATERS AND HIGHWAYS

Article 9

(1) Rivers, streams or canals along which the frontier line runs shall be deemed to be frontier waters.

(2) The Parties shall take appropriate steps to ensure that when frontier waters are used by persons residing in their territories the provisions of this Convention are observed and the rights and interests of the other Party are respected.

Article 10

(1) Ships of the two Parties may at all times navigate freely on frontier waters over the full width of the main navigable channel.

(2) Service craft of the two Parties may navigate at all times over the full width of the frontier waters.

(3) Other craft of the two Parties (boats, motorboats, sailboats, etc.) may navigate in frontier waters only up to the frontier line and only during daylight.

(4) Craft of the two Parties which navigate on frontier waters shall observe the navigation provisions agreed upon by the two Parties.

Article 11

(1) Craft of either Party may put in to the bank of the other Party only if they are in danger (due to storm, damage, etc.). The person responsible for the craft shall report the mooring to the competent frontier and customs authorities of the other Party, which shall render the necessary assistance.

(2) The mooring of craft on international waterways shall be governed by special regulations.

Article 12

Craft of the two Parties navigating on frontier waters shall be provided with suitable markings in accordance with the legal provisions in force. The competent authorities of the two Parties shall notify each other of the manner in which craft are marked.

Article 13

(1) The Parties shall ensure that the banks of frontier waters are kept in proper order. They shall also take all steps to prevent deliberate damage to the banks of frontier waters.

(2) The position of the beds of frontier watercourses shall as far as possible be maintained unchanged. To this end the competent authorities of the Parties shall take the necessary steps to remove such obstacles as may cause displacement of the bed of frontier rivers or obstruct the natural flow of water, ice or alluvia.

(3) In order to prevent displacement of the beds of frontier rivers, their banks shall be strengthened wherever the competent authorities of the Parties jointly consider it necessary.

(4) Should the bed of a frontier watercourse be displaced as a result of the action of water, the Parties shall correct the bed if they consider such action necessary.

(5) Joint operations under this article shall be carried out in conformity with the Agreement of 16 April 1954 between the Czechoslovak Republic and the Hungarian People's Republic concerning the settlement of technical and economic questions pertaining to frontier watercourses.

(6) A Party which fails to comply with any obligation laid down in this article shall compensate the other Party for the damage resulting therefrom.

Article 14

The natural flow of frontier waters in inundated areas may not be altered or obstructed by the erection of installations or structures in the water or on the banks, or by any other works, unless the Parties so agree.

Article 15

(1) The beds of frontier watercourses shall be cleaned out on sectors to be determined jointly by the competent authorities of the Parties.

(2) In cleaning out the beds of frontier watercourses, the substances removed shall be placed at such a distance as to prevent any subsidence of the banks, any obstruction of the beds or any reduction in the flow of water.

Article 16

(1) The two Parties may freely engage in the floating of timber over the whole length of the frontier water, including those places where both banks belong to the territory of the other Party.

(2) The dates and order of priority for the launching and floating of timber shall be determined by the competent authorities of the Parties, which shall notify each other thereof not less than two months in advance; the commencement of floating operations shall be notified not less than five days in advance.

Article 17

(1) In order to ensure the normal floating of timber the competent authorities of the two Parties may by common agreement permit workmen to land on the bank of the other Party and construct temporary installations for timber launching and floating or for clearing the bank of floating timber.

(2) Details concerning the time and place of landing workmen on the bank of the other State for the purpose of carrying out the work referred to in paragraph 1 shall be agreed upon by the competent authorities of the Parties not less than five days in advance.

(3) Any person who floats timber on frontier waters and the floating timber itself shall be subject to customs control.

Article 18

(1) All floating timber shall be provided with a special marking. For this purpose the competent authorities of the two Parties shall, by mutual agreement, establish specimen markings and communicate them to each other.

(2) In cases where the floating timber is stripped of its bark, the bark must not be deposited in the beds of frontier watercourses.

Article 19

(1) The two Parties shall maintain the existing structures and installations in frontier waters (dams, dykes and the like). No removal or reconstruction of any such structure or installation which is liable to entail a change in the bed or in the level of the water in the territory of the other Party may be carried out except with the consent of both Parties.

(2) New bridges, ferries, dams, dykes, sluices, bank supports and other hydraulic installations shall not be erected in frontier waters except by agreement between the two Parties.

Article 20

(1) Bridges which intersect frontier rivers, ditches and the like, shall be maintained jointly by the two Parties. The method of maintenance shall be regulated by a special agreement. The cost of maintaining the bridges shall be borne by the Parties in equal shares, save as otherwise provided or hereafter to be provided by special agreement.

(2) The competent authorities of either Party may make a technical inspection of the section of a frontier bridge situated in the territory of the other Party, in the presence of representatives of the competent authorities of the other Party. Notice of the proposed inspection shall be given by the competent authorities of the Party to the competent authorities of the other Party not less than forty-eight hours in advance.

(3) Traffic on the bridges shall be regulated by agreement between the competent authorities of the Parties.

Article 21

(1) The Parties shall ensure that highways and waterways which intersect a State frontier are maintained in proper condition. The Parties shall keep them in repair at their own expense up to the frontier line.

(2) At points where the frontier line intersects a railway line, highway or river, each Party shall erect on its own territory suitable State frontier signs or barriers.

CHAPTER III

FISHING, HUNTING AND FORESTRY

Article 22

(1) Fishing in frontier waters shall be permitted up to the frontier line, unless the Parties agree otherwise.

(2) Persons fishing in frontier waters shall not be permitted :

- (a) To use explosive, poisonous or narcotic substances entailing the mass destruction of or damage to the fish population;
- (b) To fish at night, except in the river Danube.

(3) The competent frontier authorities of the two Parties shall notify each other in advance of the time and place of night fishing on the Danube.

(4) Arrangements for the protection and breeding of fish in frontier waters, the prohibition of fishing for certain species of fish, the dates of the fishing season and other matters relating to fishing shall be determined by special agreement between the Parties.

(5) Persons who engage in fishing shall be subject to customs control. The fish caught by fishermen in frontier waters shall be exempt from customs duties and charges.

Article 23

(1) The competent authorities of the two Parties shall see that the game laws in force on their territory are observed in the neighbourhood of the

frontier line. They shall take special care to ensure that, when hunting is in progress, shots are not fired nor game pursued across the State frontier.

(2) Detailed provisions concerning the protection of game and the co-ordination of the periods when hunting is prohibited on particular sectors of the State frontiers shall be laid down in a special agreement between the Parties.

Article 24

(1) The Parties shall ensure that the exploitation of forests along the frontier line does not cause damage to the forests of the other Party and that the flow of major watercourses is not impeded.

(2) If a forest fire breaks out near the frontier line, the competent authorities of the Party on whose territory the fire breaks out shall, as far as possible, do everything in their power to extinguish it and to prevent it from spreading across the State frontier.

(3) If there is danger of a forest fire spreading across the State frontier, the Party on whose territory the danger originated shall immediately warn the other Party, so that action may be taken to prevent the fire from spreading across the State frontier.

(4) If a tree falls beyond the frontier line as the result of natural causes or logging operations, the competent authorities of the Parties shall take steps to enable the owner of the tree to cut up and remove the tree to his own territory by the shortest route. All trees so removed shall be exempt from customs duties and charges.

CHAPTER IV

FINAL PROVISIONS

Article 25

Upon the entry into force of this Treaty, the technical instructions concerning the execution of maintenance work on the Czechoslovak-Hungarian State frontiers, signed at Bratislava on 9 March 1949, shall cease to have effect.

Article 26

The provisions of the Agreement between the Czechoslovak Republic and the Hungarian People's Republic concerning the settlement of technical and economic questions pertaining to frontier watercourses, signed at Prague on 16 April 1954, and the existing arrangement concerning water rights on the Slana river, shall not be affected.

Article 27

This Treaty shall be ratified. The exchange of the instruments of ratification shall take place at Budapest as soon as possible. The Treaty shall enter into force on the day of the exchange of the instruments of ratification.

This Treaty shall remain in force for five years and shall be renewed for further periods of five years each, unless one of the Contracting Parties denounces it six months before the expiry of the current five-year period.

Article 28

This Treaty was drawn up at Prague on 13 October 1956 in two original copies, each in the Czech and Hungarian languages, both texts being equally authentic.

IN FAITH WHEREOF the plenipotentiaries have signed this Treaty and have affixed thereto their seals.

For the Czechoslovak Republic :
Major-General HLAVAČKA

For the Hungarian People's Republic :
GÁBRI Mihály

FINAL PROTOCOL

On the conclusion of the Treaty concerning the régime of state frontiers,¹ the plenipotentiaries of the Czechoslovak Republic and the Hungarian People's Republic have agreed as follows :

I

Ad Article 1 of the Treaty

The documents concerning the demarcation of the frontier line shall consist of the following :

(1) The Final Protocol of the Boundary Commission established pursuant to article 1, paragraph 4 (*d*) of the Paris Peace Treaty, its annexes No. 1 and No. 2 and its Supplementary Protocol No. 1 ;

(2) The technical frontier documents, namely :

(*a*) The detailed descriptive survey of the Czechoslovak-Hungarian State frontiers ;

¹ See p. 150 of this volume.

- (b) Sectional maps of the State frontier line between Czechoslovakia and Hungary, drawn on a scale of 1:2880 and 1:5000;
- (c) Field sketches.

II

Ad Article 3 of the Treaty

(1) Documents attesting to changes in the position of the median line of frontier watercourses shall not be annexed to the technical frontier documents.

(2) In the event of any change in the territorial status of islands, or of any demarcation affecting frontier waters, the documents drawn up in regard thereto by the Mixed Commission shall be annexed to the technical frontier documents.

III

Ad Article 4 of the Treaty

The frontier line may not be marked by any system which has not been previously used in the demarcation of State frontiers, nor may existing frontier marks be replaced by frontier marks of another type, save by special agreement between the two Parties.

IV

Ad Articles 10, 11, 12 and 13 of the Treaty

The regulations concerning the Danube as an international waterway are contained in the Convention on the régime of navigation on the Danube, signed at Belgrade on 18 August 1948.¹

V

Ad Articles 13, 15, 19 and 20 of the Treaty

Should it become necessary, in carrying out joint work, to bring technical equipment and materials into the territory of the other Party, such equipment and materials shall, when passing the State frontier, be subject to customs control but exempt from customs duties and taxes. Machinery for the work (tractors, scrapers, etc.) crossing the State frontiers shall be registered without being required to deposit of a customs bond.

VI

Ad Article 17 of the Treaty

Workmen who cross into the territory of the other Party shall not be permitted to take with them anything other than the tools, means of transport,

¹ United Nations, *Treaty Series*, Vol. 33, p. 181.

food, beverages and tobacco required for the period of work. The temporary customs exemption on vehicles shall be governed by the provisions and agreements in force.

VII

Ad Article 20 of the Treaty

The memorandum on negotiations between the delegations of the Czechoslovak Republic and the Hungarian People's Republic relating to questions connected with the reconstruction, maintenance and removal of bridges on the Hungarian-Czechoslovak frontier, dated 6 December 1952, shall remain in force.

The maintenance and renovation of railway bridges and other railway installations intersecting the frontier line shall be regulated by special agreement between the Parties.

VIII

Where the Treaty refers to the exemption of objects or materials from customs duties and charges, such objects or materials shall not be subject to any economic, import or export prohibitions or restrictions.

IX

Payments which have to be made under this Treaty shall be remitted in accordance with the provisions of the payments agreement in force between the Parties at the time when payment is made.

This Final Protocol shall form an integral part of the Treaty signed at the same time.

For the Czechoslovak Republic :
Major-General HLAVAČKA

For the Hungarian People's Republic :
GÁBRI Mihály