

No. 4337

**CZECHOSLOVAKIA
and
HUNGARY**

Agreement concerning frontier commissioners (with Final Protocol and annexes). Signed at Prague, on 13 October 1956

Official texts: Czech and Hungarian.

Registered by Czechoslovakia on 14 May 1958.

**TCHÉCOSLOVAQUIE
et
HONGRIE**

Accord concernant les commissaires aux frontières (avec Protocole final et annexes). Signé à Prague, le 13 octobre 1956

Textes officiels tchèque et hongrois.

Enregistré par la Tchécoslovaquie le 14 mai 1958.

[TRANSLATION — TRADUCTION]

No. 4337. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC AND THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING FRONTIER COMMISSIONERS. SIGNED AT PRAGUE, ON 13 OCTOBER 1956

The Government of the Czechoslovak Republic and the Government of the Hungarian People's Republic, desiring to arrange for co-operation in the protection of the State frontiers, have resolved to conclude an agreement concerning Frontier Commissioners.

For this purpose they have appointed as their plenipotentiaries :

The Government of the Czechoslovak Republic :

Major-General Ludvík Hlavačka, Deputy Minister of the Interior,

The Government of the Hungarian People's Republic :

Mr. Mihály Gábri, First Deputy Minister of the Interior.

The plenipotentiaries, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

(1) For the purpose of settling incidents arising in connexion with the protection of the State frontiers, of making joint preliminary inquiries into events subject to negotiation through the diplomatic channel, of organizing mutual assistance and co-operation between the frontier authorities of the Czechoslovak Republic and the Hungarian People's Republic, and of preserving due order at the State frontiers, the two Parties shall establish special authorities, namely, the Frontier Commissioners and Deputy Frontier Commissioners.

(2) The Ministers of the Interior of the two Parties shall appoint the Frontier Commissioners and their Deputies and shall determine by agreement their number and the sectors in their charge.

Article 2

(1) The activity of the Frontier Commissioners shall be directed, on the Czechoslovak side, by the central frontier authorities and, on the Hungarian side, by the Commander of the Frontier Guard.

¹ Came into force on 4 July 1957 by an exchange of notes recording the approval of the Agreement by both Governments, in accordance with article 29.

(2) The authorities of the Parties referred to in paragraph 1 shall notify each other of the appointment of the Frontier Commissioners and their Deputies, their posts, the boundaries of their sectors and any changes therein.

Article 3

(1) The Frontier Commissioners shall jointly conduct negotiations and investigations and take the necessary measures, especially in relation to :

(a) Incidents and events which do not require settlement through the diplomatic channel;

(b) The conduct of joint preliminary inquiries into events which require settlement through the diplomatic channel;

(c) Minor material damage sustained at the State frontiers;

(d) Shooting across the State frontiers into the territory of the other State;

(e) Joint determination of the line of the State frontiers on the ground on the basis of the technical frontier documents;

(f) The maintenance of the frontier marks and the frontier clearing in proper condition;

(g) The removal, transfer, overturning, impairment or destruction of frontier marks;

(h) Contravention of the Convention concerning the régime of State frontiers;¹

(i) The movement of agricultural livestock across the frontier into the territory of the other State.

(2) An important task of the Frontier Commissioners shall be to take coercive action against violators of the State frontiers. The Frontier Commissioners shall assist each other to that end, especially in relation to :

(a) Violation of the State frontiers by persons, vehicles, boats or aircraft;

(b) Unintentional crossing of the State frontiers;

(c) The transmission of information concerning measures taken in connexion with violation of the State frontiers;

(d) Violation of the régime of navigation on the Danube, as it affects the protection of the State frontiers;

(e) Mutual notification of economic works at the State frontiers;

(f) Minor frontier traffic;

(g) Fishing in frontier waters.

¹ See p. 125 of this volume.

Article 4

The Deputy Frontier Commissioner shall perform, in the sector in his charge, such tasks as are assigned to him by the Frontier Commissioner.

Article 5

The Frontier Commissioners and their Deputies shall identify themselves by means of credentials, models of which are shown in annexes Nos. 1¹ and 2² to this Agreement. The credentials shall be issued by the Ministries of the Interior of the two Parties.

Article 6

Relations between the Frontier Commissioners shall be carried on in writing or by direct negotiation at meetings.

Article 7

Written communications between the Frontier Commissioners shall be handed over at such points as the latter shall designate. They shall agree on the method of transmission of correspondence.

Article 8

(1) A meeting shall be proposed by the Frontier Commissioner by giving the Frontier Commissioner of the other Party written or oral notice indicating the place and time of the meeting, the matters he proposes for negotiation and the persons who are to attend the proceedings. The reply shall if possible be given forthwith, and in any case within forty-eight hours. An alternative time for the meeting and further matters which should be on the agenda may be indicated in the reply.

(2) The Frontier Commissioner shall attend each meeting in person. If, for exceptional reasons, he is unable to attend a meeting, he shall send his Deputy; the Frontier Commissioner of the other Party shall be so notified beforehand.

(3) The Frontier Commissioner may bring with him to the meeting such persons (secretaries, interpreters, experts or witnesses) as may be required.

Article 9

(1) A meeting shall as a rule be held in the territory of the Party whose Frontier Commissioner has proposed it. The Frontier Commissioners may also agree to hold meetings alternately in the territory of each Party.

¹ See p. 220 of this volume.

² See p. 222 of this volume.

(2) A meeting of the Frontier Commissioners involving protracted negotiations may be held on the premises of the frontier authorities of the Party whose Frontier Commissioner has proposed the meeting.

(3) The investigation of incidents shall be carried out on the spot. A record of the course and results of the inquiries shall be drawn up and shall be accompanied by the necessary sketches, photographs and other documents, which shall constitute an annex to the minutes of the negotiations. A model record is shown in annex No. 3¹ to this Agreement.

(4) The proceedings shall be conducted by the Frontier Commissioner on whose proposal the meeting is held.

(5) If it is found in the course of negotiations or of an investigation by a Frontier Commissioner that articles or materials in the possession of the frontier authorities of the other Party are required, the Frontier Commissioner of the said other Party shall, upon request, produce such articles or materials for the duration of the negotiations or investigation.

Article 10

(1) Minutes shall be drawn up for each meeting and shall indicate the matters under discussion, the course of the negotiations and the decisions taken.

(2) The minutes shall be drawn up in four copies, two in the Slovak or Czech and two in the Hungarian language and shall be signed by the representatives of the two Parties. Each Party shall retain one copy of the minutes in the Slovak or Czech language and one copy in the Hungarian language. A model minute is shown in annex No. 4¹ to this Agreement.

Article 11

(1) If in the course of their inquiries the Frontier Commissioners find that an incident goes beyond their competence, they shall so inform the Ministries of Foreign Affairs, and they may not proceed with the inquiries save with the said Ministries' consent.

(2) If the Frontier Commissioners fail to agree on the settlement of an incident, they shall refer the matter for settlement through the diplomatic channel. The minutes shall record the respective views of the Frontier Commissioners of the two Parties on the problem and their proposals for its solution.

Article 12

(1) The Frontier Commissioners shall apply the agreed measures within the appointed time-limit. They shall inform each other of the action taken.

¹ See p. 224 of this volume.

(2) Measures agreed between the Deputy Frontier Commissioners shall be subject to approval by the Frontier Commissioners. The Frontier Commissioners of the Parties shall notify each other of such approval.

Article 13

(1) The Frontier Commissioners, their Deputies and persons accompanying them may cross the State frontiers in the presence of the Frontier Commissioner or Deputy Frontier Commissioner of the other Party.

(2) When crossing the State frontiers they shall carry with them :

(a) In the case of Frontier Commissioners and their Deputies, the Frontier Commissioner's or Deputy Frontier Commissioner's credential provided for in article 5;

(b) In the case of other persons, a credential issued by the Frontier Commissioner for the duration of the negotiations.

Article 14

The Frontier Commissioners and their Deputies shall enjoy the right of personal immunity in the territory of the other State.

Article 15

(1) The Frontier Commissioners and their Deputies may wear uniform and carry their personal weapons in the territory of the other State.

(2) The Frontier Commissioners, their Deputies, secretaries, interpreters, experts, other persons accompanying them, and their means of transport shall be exempt from customs control and inspection.

(3) The persons referred to in paragraph 2 may take with them in crossing the State frontiers the articles necessary for their work, their personal documents and an appropriate amount of foodstuffs, beverages and tobacco for their personal consumption. No international documents shall be required for the means of transport used, which may carry the necessary amount of fuel.

Article 16

(1) The Frontier Commissioners shall be empowered to agree on compensation for damage in amounts not exceeding 1,000 Czechoslovak crowns or 1,600 forints. If they fail to agree or if the value of the damage exceeds the said amount, the compensation shall be negotiated through the diplomatic channel.

(2) Compensation for damage shall be settled between the two Parties once a year, not later than 20 December, in accordance with the payments provisions in force.

Article 17

Each party shall defray the expenses incurred in the course of or in connexion with the negotiations.

Article 18

The Frontier Commissioners shall assist each other in finding lodging, in the use of means of transport and in relations with the authorities of their own State.

Article 19

Persons who have been detained for unintentionally crossing the State frontiers shall without undue delay be handed over to the Frontier Commissioner of the other Party together with the articles in their possession. Children, aged persons and persons under a legal incapacity shall be handed over with the utmost dispatch.

Article 20

Where it is established that a person detained for intentionally crossing the State frontiers has committed no offence in so doing, he shall be handed over forthwith to the Frontier Commissioner of the other Party.

Article 21

Members of the staff of the frontier authorities who have crossed the State frontiers in the course of their official duties shall be returned by the Frontier Commissioner to the Frontier Commissioner of the other Party, together with all equipment, documents and articles in their possession.

Article 22

(1) In the event of a natural calamity the Frontier Commissioners shall take steps to prevent its effects from spreading across the State frontiers. They shall assist each other with all the forces and means at their disposal and shall enable rescue, fire-fighting and other parties and groups to cross the State frontiers with the necessary materials, equipment and means of transport.

(2) In urgent cases the Frontier Commissioners shall make medical assistance and, where necessary, transport to the nearest hospitals available to inhabitants of the other State.

Article 23

The Frontier Commissioners of the two Parties shall be responsible in their respective territories for searching for and returning any boats, fishing tackle, aircraft and other objects carried from the territory of the other State as a result of a natural calamity or other disaster, and for returning any agricultural livestock which has strayed from the territory of the other State.

Article 24

The delivery of persons, livestock and articles shall take place only at the points designated by the Frontier Commissioners. A report on such delivery shall be drawn up in the Slovak or Czech and the Hungarian language. The complaints and requests of persons handed over and the views of the frontier authorities thereon shall be recorded in the report, to which a list of the persons, livestock and articles delivered shall be attached. A model report is shown in annex No. 5¹ to this Agreement.

Article 25

(1) The frontier authorities of the two States shall provide each other in good time with such information as may be requested to clarify a case of violation of the State frontiers which is under investigation.

(2) If the frontier authorities find traces of a violator of the State frontiers leading towards the territory of the other State, they shall immediately notify the frontier authorities of the other State accordingly, and shall at the same time communicate to them any information they have obtained which is pertinent to the detection and arrest of the violator. No report shall be drawn up concerning the supply of such information.

(3) The frontier authorities receiving information concerning a violation of the State frontiers shall take the necessary measures to arrest the violator. They shall notify the Frontier Commissioner of the other Party of the results of the action taken.

Article 26

If hostile armed groups appear in the neighbourhood of the State frontiers and menace the security of the territory of the two States, the Frontier Commissioners shall ensure that the frontier authorities of the two States co-operate in order to render the said groups harmless.

Article 27

The first meeting of the Frontier Commissioners shall take place within thirty days from the date of entry into force of this Agreement. Further meetings shall be held as required.

¹ See p. 226 of this volume.

Article 28

As soon as this Agreement enters into force, the Agreement of 4 May 1949 between the Czechoslovak Ministry of the Interior and the Hungarian Ministry of the Interior concerning co-operation between their frontier guard authorities shall cease to have effect.

Article 29

(1) This Agreement shall be subject to approval by the Governments of both States. It shall enter into force on the date of the exchange of notes in which the Parties inform each other that the Agreement has been approved by the two Governments.

(2) The Agreement shall remain in force for five years and shall be renewed for successive terms of five years unless one of the Contracting Parties to the Agreement denounces it six months before the expiry of the current term.

Article 30

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

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement and have thereto affixed their seals.

For the Government
of the Czechoslovak Republic :

Major-General HLAVAČKA

For the Government
of the Hungarian People's
Republic :

GÁBRI Mihály

FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC AND THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING FRONTIER COMMISSIONERS¹

Ad article 1 of the Agreement

In the event of any future change in the competence to appoint Frontier Commissioners or their Deputies and to determine their number or the sectors in their charge, the Parties shall notify each other accordingly.

Ad article 20 of the Agreement

For the purposes of this article, the term "offence" means an offence under the laws of the State into whose territory the person has crossed. The Frontier Commissioners of the Parties have notified each other that under the laws of the two States, the intentional crossing of the State frontiers is not necessarily an offence in every case.

Nothing in the foregoing shall affect the provisions of the Treaty of 6 March 1951 between the Czechoslovak Republic and the Hungarian People's Republic concerning legal assistance in civil and criminal proceedings.

This Final Protocol forms an integral part of the Agreement signed at the same time.

For the Government
of the Czechoslovak Republic :

Major-General HLAVAČKA

For the Government
of the Hungarian People's
Republic :

GÁBRI Mihály

¹ See p. 202 of this volume.

ANNEX No. 1

Page 1

MODEL
FRONTIER COMMISSIONER'S CREDENTIALS
CREDENTIALS

Space for photograph
(4 × 5.5 cm)

[L.S.]

Signature of holder

Page 2

Pursuant to article 5 of the Agreement between the Government of the Czechoslovak Republic and the Government of the Hungarian People's Republic for the establishment of Frontier Commissioners, signed at on 195.....

.....
(Rank, surname, first name)

residing at

born
(Day, month and year of birth)

having been appointed a Frontier Commissioner by the Minister of the Interior to apply the principles of the said Agreement, is entitled to cross the State frontiers between the Czechoslovak Republic and the Hungarian People's Republic in either direction and to remain in the frontier zone of the Hungarian People's Republic.

For the Ministry of the Interior of the Czechoslovak Republic :
[L.S.]

Prague, 195.....

Page 3

(Text of page 2 in the Hungarian language)

ANNEX No. 2

Page 1

MODEL
DEPUTY FRONTIER COMMISSIONER'S CREDENTIALS
CREDENTIALS

Space for photograph
(4 × 5.5 cm)

[L.S.]

Signature of holder :

Page 2

Pursuant to article 5 of the Agreement between the Government of the Czechoslovak Republic and the Government of the Hungarian People's Republic for the establishment of Frontier Commissioners, signed at on 195.....

.....
(Rank, surname, first name)

residing at

born
(Day, month and year of birth)

having been appointed a Deputy Frontier Commissioner by the Minister of the Interior to apply the principles of the said Agreement, is entitled to cross the State frontier between the Czechoslovak Republic and the Hungarian People's Republic in the sector of in either direction and to remain in the frontier zone of the Hungarian People's Republic.

For the Ministry of the Interior of the Czechoslovak Republic :
(Rank, surname, first name)

[L.S.]

Place date 195.....

Page 3

(Text of page 2 in the Hungarian language)

ANNEX No. 3

RECORD OF INVESTIGATION

- I. Day, month, year, time and place at which the investigation was held and the subject of the investigation :
- II. Persons conducting the investigation : (Rank, name, function of each party)
- III. Course and results of the investigation :
(In the event of disagreement between the individual Frontier Commissioners, the respective views of the two Commissioners should be recorded separately, together with their proposals for a settlement.)
- IV. Conclusion :
- V. Circular stamp of the two Frontier Commissioners and their signatures.

ANNEX No. 4

MINUTE OF JOINT NEGOTIATIONS BETWEEN THE FRONTIER COMMISSIONERS OF THE CZECHOSLOVAK REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC

The meeting began at (time) on, 195..... at the State frontier of the Czechoslovak Republic and the Hungarian People's Republic, in the sector of the frontier line.

PRESENT :

For the Czechoslovak Republic :	For the Hungarian People's Republic :
.....
.....

AGENDA (subjects of negotiation)

- (1)
- (2)

The meeting was presided over by the Frontier Commissioner of the Czechoslovak Republic (the Hungarian People's Republic).

- (1) Proposal :
- (1) Decision :
- (2) Proposal :
- (2) Decision :

The meeting rose at (time) on, 195..... This minute was prepared in copies, in the Czech or Slovak language and in the Hungarian language.

Commissioners of the Czechoslovak Republic :	Commissioners of the Hungarian People's Republic :
.....
.....

ANNEX No. 5

REPORT ON THE DELIVERY OF PERSONS, LIVESTOCK AND ARTICLES

- I. Day, month, year, time and point of delivery; nature of the delivery : (attach a list of all persons, livestock and articles delivered)
 - II. Person making the delivery :
 - III. Recipient :
 - IV. Persons participating in the delivery : (for both Parties)
 - V. Recipient's observations on the delivery :
 - VI. Circular stamp of the Frontier Commissioners of the two States.
Signatures of the Frontier Commissioners (the signature of the owner of the property should also be appended if he is present at the proceedings).
-