

No. 5701

**YUGOSLAVIA
and
BULGARIA**

Agreement (with annex) concerning procedure for the investigation and settlement of incidents arising on the Yugoslav-Bulgarian frontier. Signed at Sofia, on 22 April 1954

Official texts: Serbo-Croat and Bulgarian.

Registered by Yugoslavia on 26 May 1961.

**YUGOSLAVIE
et
BULGARIE**

Accord (avec annexe) sur la manière de procéder à l'enquête et au règlement des incidents survenus sur la frontière yougoslavo-bulgare. Signé à Sofia, le 22 avril 1954

Textes officiels serbo-croate et bulgare.

Enregistré par la Yougoslavie le 26 mai 1961.

[TRANSLATION — TRADUCTION]

No. 5701. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING PROCEDURE FOR THE INVESTIGATION AND SETTLEMENT OF INCIDENTS ARISING ON THE YUGOSLAV-BULGARIAN FRONTIER. SIGNED AT SOFIA, ON 22 APRIL 1954

The Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria, desiring to prevent any possible incidents on the Yugoslav-Bulgarian frontier, to establish the conditions necessary for the unimpeded operation of the frontier service and to ensure a normal and peaceful life for the frontier population, have decided to conclude this Agreement concerning procedure for the investigation and settlement of all frontier incidents arising, such questions having hitherto been settled on the basis of the notes exchanged between the two Governments in 1950.

To this end full powers have been conferred :

By the Government of the Federal People's Republic of Yugoslavia :
on Colonel Anton Zgonc, Chairman of the Yugoslav delegation;

By the Government of the People's Republic of Bulgaria :
on Colonel Dimitar Vladimirov, Chairman of the Bulgarian delegation.

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

Article 1

The two Contracting Governments shall take all effective measures necessary to remove the sources and causes of all frontier incidents on the Yugoslav-Bulgarian frontier.

Article 2

With a view to the investigation and settlement of possible frontier incidents, the Contracting Governments shall establish a Central Mixed Frontier Commis-

¹ Came into force on 5 July 1954 by an exchange of notes signifying the approval of the two Governments, in accordance with article 9.

sion and, as appropriate, sector frontier commissions, and shall appoint frontier representatives.

Article 3

(1) The Central Mixed Frontier Commission shall consist of a Yugoslav and a Bulgarian delegation composed of three representatives of each Party including a representative of the State Secretariat of Foreign Affairs of the Federal People's Republic of Yugoslavia and a representative of the Ministry of Foreign Affairs of the People's Republic of Bulgaria.

The Contracting Governments shall inform each other through the diplomatic channel of the names of the members of the delegations to the Central Mixed Frontier Commission ten days after the entry into force of this Agreement.

The Contracting Governments shall inform each other through the diplomatic channel of any change in the membership of the delegations to the Central Mixed Frontier Commission.

As an exceptional measure in urgent cases, one member of a delegation may be changed without prior notice to the other Party through the diplomatic channel. The Party making such a change in the composition of its delegation undertakes to inform the other Party thereof subsequently.

(2) The Central Mixed Frontier Commission shall be competent :

(a) To submit proposals to the Contracting Governments with a view to the most effective possible application of this Agreement;

(b) To take decisions on disputed and unresolved questions relating to frontier incidents which are submitted by sector mixed frontier commissions;

(c) To investigate frontier incidents *in situ* at the request of either Party if no agreement has been reached at a meeting of the sector mixed frontier commissions;

(d) To examine and settle cases of violation of air space;

(e) To investigate and settle cases of the transfer, impairment or destruction of frontier marks;

(f) To determine the damage caused by frontier incidents;

(g) To settle questions arising in connexion with the work and duties of sector mixed frontier commissions and frontier representatives;

(h) To establish the procedure and take appropriate measures for the return of persons, livestock, poultry, water craft, etc., that have crossed the frontier inadvertently or as a result of *force majeure*.

Unresolved questions shall be referred to the Governments for settlement through the diplomatic channel.

(3) The Central Mixed Frontier Commission shall meet quarterly, alternately at Pirost and Dragoman.

In addition to the members of the Central Mixed Frontier Commission, not more than four persons from each Party may attend these sessions as experts and auxiliary personnel. The Central Mixed Frontier Commission shall fix at its last meeting the date of its next session. The Chairmen of the two delegations shall preside at alternate sessions. Identical records of the decisions taken at the sessions shall be drawn up in duplicate in the Serbo-Croat and Bulgarian languages. The records in both languages shall be equally valid. The two delegations shall exchange one copy of each record.

(4) The Central Mixed Frontier Commission may at the request of either Party meet in special session without regard to the interval provided for in paragraph (3) of this article.

A summons addressed to the Chairman of the delegation of the other Party to the Central Mixed Frontier Commission shall be signed by the Chairman issuing the summons, sealed with the seal prescribed in annex No. 5,¹ and dispatched in the manner and to the place prescribed in annex No. 2.²

(5) If summoned by the Chairman of either delegation, the Central Mixed Frontier Commission shall be under a duty to begin investigating an incident *in situ* not later than four days after receipt of the summons.

The summons shall be transmitted as provided in paragraph (4).

In addition to the members of the Central Mixed Frontier Commission, experts and auxiliary personnel up to a maximum of seven persons from each Party may participate in such meetings of the Commission. The investigation *in situ* shall be directed by the Chairman of the Party in whose territory the inquiry takes place. Identical records of the investigation shall be drawn up as provided in paragraph (3) of this article. The necessary documents in connexion with the investigation may be annexed thereto.

(6) The Central Mixed Frontier Commission shall take decisions unanimously. Unanimous decisions shall be binding on both Parties. If the Central Mixed Frontier Commission fails to reach a unanimous decision on any question, the said question shall be entered in the record and each delegation shall report to its Government.

(7) The two delegations to the Central Mixed Frontier Commission shall be under a duty to exchange information at the first session concerning the execution of the provisions of this Agreement. The two delegations shall exchange

¹ See p. 80 of this volume.

² See p. 76 of this volume.

information at each session concerning the measures adopted to give effect to the decisions taken by the Central Mixed Frontier Commission at the previous session.

Article 4

(1) The sector mixed frontier commissions shall consist of a Yugoslav section and a Bulgarian section composed of three members from each Party.

In addition to the members of the commission, experts and auxiliary personnel up to a maximum of seven persons from each Party may be employed in the performance of tasks allotted in connexion with the investigation of incidents.

Each Party may summon witnesses where the commissions' work so requires.

(2) It shall be the duty of the sector mixed frontier commissions to investigate and, where necessary, to settle *in situ* the following frontier incidents and questions arising in connexion therewith :

(a) a breach of the inviolability of the State frontier by individual frontier guards or by frontier guard or military units crossing into either territory;

(b) the forcible abduction of military personnel or civilians from either territory;

(c) opening fire on frontier authorities or civilians in the territory of the other Contracting Party;

(d) the killing or wounding of military personnel or civilian officials of the other Contracting Party;

(e) the illumination of the territory of either Party by searchlights or rockets from the territory of the other Party;

(f) photographing individual installations on the frontier and in the territory of the other Party;

(g) causing fire to break out or to spread across the frontier into the territory of the other Party;

(h) insults or provocation of the frontier authorities or frontier inhabitants of either Party by the frontier authorities of the other Party;

(i) the illegal transfer, in any manner, of publications of any kind across the frontier from the territory of either Party into the territory of the other;

(j) other possible instances of frontier incidents.

(3) If a frontier incident occurs at any point on the Yugoslav-Bulgarian frontier, the sector mixed frontier commission shall, at the summons of the frontier representative of either Party for the sector concerned, proceed to the scene within twelve hours after receiving the summons.

The prescribed time-limit of twelve hours may be exceeded only if the commission summoned would have to cross the frontier immediately after sunset. In such a case, the commission summoned shall cross the frontier immediately after sunrise on the next day.

The members of the sector mixed frontier commission shall cross the frontier at the scene of the incident or in the immediate vicinity thereof.

The sector mixed frontier commission shall conduct its operations in the territory of the Party whose frontier representative issued the summons; however, the investigation of the incident may also be carried out in the territory of the Party to which the summons was addressed.

(4) When the sector mixed frontier commission is investigating an incident *in situ* it shall work from sunrise to sunset. If the commission does not complete its work before sunset and is in the neighbouring territory, it shall return to its own territory and continue its work next day.

(5) A record of the operations of the sector mixed frontier commission shall be drawn up in two identical copies, each in the Serbo-Croat and Bulgarian languages. The records in both languages shall be equally valid. The members of the sector mixed frontier commission shall sign all copies of the record. The Yugoslav and Bulgarian sections of the sector mixed frontier commission shall exchange one copy of the said record.

(6) If the sector mixed frontier commission fails to agree on any findings of fact in connexion with a frontier incident, the findings on which agreement has been reached shall be entered in a record in accordance with paragraph (5) of this article. With regard to the remaining facts, the two sections of the sector mixed frontier commission shall draw up separate records on the basis of their respective findings and shall exchange them. The same shall apply if no agreement whatsoever is reached at a meeting of the sector mixed frontier commission on the question of the findings of fact in connexion with a frontier incident.

(7) If, in the process of investigating or settling a frontier incident, the sector mixed frontier commission can reach no agreement whatsoever or only partial agreement, each Party shall be entitled to refer the matter to the Central Mixed Frontier Commission.

Article 5

Before the mixed frontier commission arrives at the scene, the frontier guard in whose territory the incident occurred shall take all measures necessary to preserve all traces and evidence connected with the incident.

Article 6

(1) Frontier representatives shall be appointed for specified frontier sectors in accordance with annex No. 1.¹

(2) Frontier representatives shall be competent :

(a) To issue a summons to the frontier representative of the other Party;

(b) To accept service of a summons from the frontier representative of the other Party;

(c) To convene the sector mixed frontier commission;

(d) To direct the work of the sector mixed frontier commission;

(e) To register and document all frontier incidents; to submit the data on such incidents in good time to the sector mixed frontier commission for settlement; and to settle other frontier questions of minor importance;

(f) To perform such other tasks as may be entrusted to him by decision of the Central Mixed Frontier Commission or of the sector mixed frontier commission.

(3) The frontier representatives and the other two members of the sector frontier commission shall be supplied with special certificates, in the form prescribed in annex No. 3,² as proof of their official status. The frontier representatives shall also be supplied with a seal. The form of the seal is prescribed in annex No. 4.³ A summons sealed with this seal and signed by the frontier representative shall authorize the frontier representative, members of the sector mixed frontier commission, auxiliary personnel and experts of the other Party to cross the frontier at the point prescribed in the summons.

The Chairmen of the sector mixed frontier commission shall exchange at the meeting lists of members of the commission, experts and auxiliary personnel.

(4) The frontier representative of either Party shall summon the frontier representative of the other Party through the delivery of a letter in the manner and at the places indicated in annex No. 2.

Article 7

(1) Members of the mixed frontier commission, experts and auxiliary personnel shall enjoy diplomatic immunity and protection while engaged in their work in the territory of the other Party. The Contracting Party in whose territory they are operating shall ensure their personal safety. It shall likewise

¹ See p. 76 of this volume.

² See p. 78 of this volume.

³ See p. 80 of this volume.

ensure the inviolability of official documents in the possession of the said persons.

(2) The persons referred to in paragraph (1) of this article may bring articles necessary for their work and means of transport into the territory of the other Party free of duty and taxes provided that they are returned.

(3) The two Parties shall extend to the persons referred to in paragraph (1) of this article the necessary assistance with regard to their accommodation, to the use of the means of communication necessary for the performance of their duties, and to the maintenance of communication with their State authorities.

(4) The persons referred to in paragraph (1) of this article may wear uniform but may not carry weapons in the territory of the other Party.

(5) The two Contracting Governments shall themselves bear all costs arising out of the work of their own authorities under this Agreement.

Article 8

Annexes Nos. 1, 2, 3, 4 and 5 shall constitute an integral part of this Agreement.

Article 9

This Agreement shall enter into force after it has been approved by the Governments of the two Contracting Parties and they have so notified each other through the diplomatic channel.

The Agreement may be modified only by agreement between the two Contracting Governments, and shall cease to have effect six months from the date on which its denunciation is announced by either Contracting Party.

Article 10

This Agreement is done in two original copies, each in the Serbo-Croat and Bulgarian languages. Both copies in both languages are equally valid.

Sofia, 22 April 1954.

The Chairman of the Delegation
of the Federal People's Republic
of Yugoslavia :

(Signed) Colonel Anton ZGONC

The Chairman of the Delegation
of the People's Republic
of Bulgaria :

(Signed) Colonel Dimitar VLADIMIROV

ANNEX No. 1

Pursuant to article 6, paragraph (1), of the Agreement between the Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria concerning procedure for the investigation and settlement of incidents arising on the Yugoslav-Bulgarian frontier,¹ the frontier sectors are hereby defined as follows :

1. From the junction of the Yugoslav, Romanian and Bulgarian frontiers to Vrška Čuka :
frontier sector No. 1.
2. From Vrška Čuka to Midžor peak :
frontier sector No. 2.
3. From Midžor peak to the village of Strazimirovci :
frontier sector No. 3.
4. From the village of Strazimirovci to trigonometric point 1353 (the village of Žeravina) :
frontier sector No. 4.
5. From trigonometric point 1353 (the village of Žeravina) to Jankova Mogila (frontier pyramid 74) :
frontier sector No. 5.
6. From Jankova Mogila (frontier pyramid 74) to the junction of the Yugoslav, Bulgarian and Greek frontiers :
frontier sector No. 6.

ANNEX No. 2

Pursuant to article 6, paragraph (4), and article 3, paragraph (4), of the Agreement between the Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria concerning procedure for the investigation and settlement of incidents arising on the Yugoslav-Bulgarian frontier, the delivery of communications to the other Contracting Party shall be effected at the following points in the manner prescribed hereinafter :

(a) Points for the delivery of communications to frontier representatives :

- | | |
|-------------------------------|---------------------------------|
| 1. Negotin-Bregovo | 8. Strazimirovci-Trn |
| 2. Halovo-Bojnica | 9. Bosiljgrad-Trekljano |
| 3. Zaječar-Kula | 10. Bistar-Perivol |
| 4. N. Korito-Belogradčik | 11. Kriva Palanka-Custendil |
| 5. Balta-Berilovica-Trgovište | 12. Delčevo (Vetren) Crvarica |
| 6. Krivodol-Klisura | 13. Pehčevo-Gara Pirin |
| 7. Dimitrovgrad-Dragoman | 14. Strumičko N. Selo-Zlatarevo |

(b) Points for the delivery of communications to the Central Mixed Frontier Commission :

Dimitrovgrad-Dragoman

¹ See p. 62 of this volume.

(c) Either Contracting Party shall where necessary transmit a summons to the other Party through the frontier authorities between the hours of sunrise and sunset only.

(d) The person designated to deliver the summons shall attract attention by means of a white flag 100 cm long by 50 cm broad, attached to a staff 2 metres long.

(e) The summons shall be delivered and received only at the points on the frontier line prescribed in paragraphs (a) and (b) for the delivery of communications. No summons shall be delivered or received at any other point.

(f) The summons shall be drawn up in the language of the issuing Party and shall if possible be typewritten; in the absence of a typewriter it shall be handwritten legibly in ink.

The summons shall bear in the top left-hand corner the following superscription : Yugoslav (Bulgarian) frontier representative for sector No. _____, number, date.

Address of the summons : To the Yugoslav (Bulgarian) frontier representative for sector No. _____.

The summons shall state the time and exact place at which the incident occurred, give a short account thereof, and specify the exact frontier crossing-point and the meeting-place of the sector mixed frontier commission. The summons shall be signed by the frontier representative of the issuing Party and shall be sealed.

Address on the envelope : The Yugoslav (Bulgarian) frontier representative for sector No. _____, number, date. To the Yugoslav (Bulgarian) frontier representative for frontier sector No. _____.

(g) The summons, in a sealed envelope, shall be delivered by the frontier authority of one Party to the frontier authority of the other Party.

The person designated to deliver the summons shall approach the frontier line at a slow pace, waving the white flag to left and right in front of his body. On reaching the frontier line he shall halt and await the frontier authority of the other Party to which he is to deliver the summons.

The authority of the other Party designated to receive the summons shall approach at a slow pace, waving the prescribed flag. The meeting and transfer of the summons shall take place at the frontier line.

(h) The frontier authority delivering the summons shall use a delivery register for the purpose. The recipient, on taking over the sealed envelope, shall sign the delivery register and enter the date, hour and minute of receipt.

ANNEX No. 3

Pursuant to article 6, paragraph (3), of the Agreement between the Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria concerning procedure for the investigation and settlement of incidents arising on the Yugoslav-Bulgarian frontier, the frontier representatives and members of the sector mixed frontier commission shall be supplied with certificates drawn up in the following form :

CERTIFICATE

It is hereby certified that _____ has been appointed
frontier representative/member of the commission for sector No. _____.

Belgrade
(Sofia)

Chairman of the Yugoslav Delegation
to the Central Mixed Frontier Commission

ANNEX No. 4

Pursuant to article 6, paragraph (3), of the Agreement between the Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria concerning procedure for the investigation and settlement of incidents arising on the Yugoslav-Bulgarian frontier, the frontier representatives of the two Parties shall be supplied with a rubber seal in the following form :

[SEAL]

The diameter of the seal shall be 3 cm.

ANNEX No. 5

Pursuant to article 3, paragraph (4), of the Agreement between the Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria concerning procedure for the investigation and settlement of incidents arising on the Yugoslav-Bulgarian frontier, the Chairman of the two delegations to the Central Mixed Frontier Commission shall be supplied with a rubber and metal seal in the following form :

[SEAL]

The diameter of the seal shall be 3 cm.
