

No. 7374

**UNITED STATES OF AMERICA
and
MEXICO**

**Convention for the solution of the problem of the Chamizal
(with annexed minute dated 28 August 1963 and ex-
change of notes). Signed at Mexico, on 29 August 1963**

Official texts: English and Spanish.

Registered by the United States of America on 11 August 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

**Convention pour le règlement de la question du Chamizal
(avec, en annexe, un procès-verbal daté du 28 août 1963
et un échange de notes). Signée à Mexico, le 29 août 1963**

Textes officiels anglais et espagnol.

Enregistrée par les États-Unis d'Amérique le 11 août 1964.

No. 7374. CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE SOLUTION OF THE PROBLEM OF THE CHAMIZAL. SIGNED AT MEXICO, ON 29 AUGUST 1963

The United States of America and the United Mexican States :

Animated by the spirit of good neighborliness which has made possible the amicable solution of various problems which have arisen between them ;

Desiring to arrive at a complete solution of the problem concerning El Chamizal, an area of land situated to the north of the Rio Grande, in the El Paso-Ciudad Juarez region ;

Considering that the recommendations of the Department of State of the United States and the Ministry of Foreign Relations of Mexico of July 17, 1963, have been approved by the Presidents of the two Republics ;

Desiring to give effect to the 1911 arbitration award in today's circumstances and in keeping with the joint communique of the Presidents of the United States and of Mexico issued on June 30, 1962 ;² and

Convinced of the need for continuing the program of rectification and stabilization of the Rio Grande which has been carried out under the terms of the Convention of February 1, 1933,³ by improving the channel in the El Paso-Ciudad Juarez region,

Have resolved to conclude a Convention and for this purpose have named as their Plenipotentiaries :

The President of the United States of America, Thomas C. Mann, Ambassador of the United States of America to Mexico, and

The President of the United Mexican States, Manuel Tello, Secretary for Foreign Relations,

Who, having communicated to each other their respective Full Powers, found to be in good and due form, have agreed as follows :

¹ Came into force on 14 January 1964, by the exchange of the instruments of ratification at Mexico, in accordance with article 12.

² United States of America, *Department of State Bulletin*, July 23, 1962, p. 135.

³ United States of America, *Treaty Series*, No. 864.

Article 1

In the El Paso-Ciudad Juárez sector, the Rio Grande shall be relocated into a new channel in accordance with the engineering plan recommended in Minute No. 214¹ of the International Boundary and Water Commission, United States and Mexico. Authentic copies of the Minute and of the map² attached thereto, on which the new channel is shown, are annexed to this Convention and made a part hereof.

Article 2

The river channel shall be relocated so as to transfer from the north to the south of the Rio Grande a tract of 823.50 acres composed of 366.00 acres in the Chamizal tract, 193.16 acres in the southern part of Cordova Island, and 264.34 acres to the east of Cordova Island. A tract of 193.16 acres in the northern part of Cordova Island will remain to the north of the river.

Article 3

The center line of the new river channel shall be the international boundary. The lands that, as a result of the relocation of the river channel, shall be to the north of the center line of the new channel shall be the territory of the United States of America and the lands that shall be to the south of the center line of the new channel shall be the territory of the United Mexican States.

Article 4

No payments will be made, as between the two Governments, for the value of the lands that pass from one country to the other as a result of the relocation of the international boundary. The lands that, upon relocation of the international boundary, pass from one country to the other shall pass to the respective Governments in absolute ownership, free of any private titles or encumbrances of any kind.

Article 5

The Government of Mexico shall convey to the Banco Nacional Hipotecario Urbano y de Obras Públicas, S.A., titles to the properties comprised of the structures which pass intact to Mexico and the lands on which they stand. The Bank shall pay the Government of Mexico for the value of the lands on which such structures are situated and the Government of the United States for the estimated value to Mexico of the said structures.

Article 6

After this Convention has entered into force and the necessary legislation has been enacted for carrying it out, the two Governments shall, on the basis of a recom-

¹ See p. 194 of this volume.

² See insert between pp. 214 and 215 of this volume.

mentation by the International Boundary and Water Commission, determine the period of time appropriate for the Government of the United States to complete the following :

- (a) The acquisition, in conformity with its laws, of the lands to be transferred to Mexico and for the rights of way for that portion of the new river channel in the territory of the United States ;
- (b) The orderly evacuation of the occupants of the lands referred to in paragraph (a).

Article 7

As soon as the operations provided in the preceding article have been completed, and the payment made by the Banco Nacional Hipotecario Urbano y de Obras Públicas, S.A., to the Government of the United States as provided in Article 5, the Government of the United States shall so inform the Government of Mexico. The International Boundary and Water Commission shall then proceed to demarcate the new international boundary, recording the demarcation in a Minute. The relocation of the international boundary and the transfer of lands provided for in this Convention shall take place upon express approval of that Minute by both Governments in accordance with the procedure established in the second paragraph of Article 25 of the Treaty of February 3, 1944.¹

Article 8

The costs of constructing the new river channel shall be borne in equal parts by the two Governments. However, each Government shall bear the costs of compensation for the value of the structures or improvements which must be destroyed, within the territory under its jurisdiction prior to the relocation of the international boundary, in the process of constructing the new channel.

Article 9

The International Boundary and Water Commission is charged with the relocation of the river channel, the construction of the bridges herein provided for, and the maintenance, preservation and improvement of the new channel. The Commission's jurisdiction and responsibilities, set forth in Article XI of the 1933 Convention for the maintenance and preservation of the Rio Grande Rectification Project, are extended upstream from that part of the river included in the Project to the point where the Rio Grande meets the land boundary between the two countries.

Article 10

The ~~six~~ existing bridges shall, as a part of the relocation of the river channel, be replaced by new bridges. The cost of constructing the new bridges shall be borne in

¹ United Nations, *Treaty Series*, Vol. 3, p. 313.

equal parts by the two Governments. The bridges which replace those on Stanton-Lerdo and Santa Fe-Juarez streets shall be located on the same streets. The location of the bridge or bridges which replace the two Cordova Island bridges shall be determined by the International Boundary and Water Commission. The agreements now in force which relate to the four existing bridges between El Paso and Ciudad Juarez shall apply to the new international bridges which replace them. The international bridge or bridges which replace the two Cordova Island bridges shall be toll free unless both Governments agree to the contrary.

Article 11

The relocation of the international boundary and the transfer of portions of territory resulting therefrom shall not affect in any way :

- (a) The legal status, with respect to citizenship laws, of those persons who are present or former residents of the portions of territory transferred ;
- (b) The jurisdiction over legal proceedings of either a civil or criminal character which are pending at the time of, or which were decided prior to, such relocation ;
- (c) The jurisdiction over acts or omissions occurring within or with respect to the said portions of territory prior to their transfer ;
- (d) The law or laws applicable to the acts or omissions referred to in paragraph (c).

Article 12

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Mexico City as soon as possible.

The present Convention shall enter into force upon the exchange of instruments of ratification.

DONE at Mexico City the twenty-ninth day of August, nineteen hundred sixty three, in the English and Spanish languages, each text being equally authentic.

For the Government of the United States of America :

Thomas C. MANN

[SEAL]

For the Government of the United Mexican States :

Manuel TELLO

[SEAL]

ANNEXES

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Ciudad Juárez, Chihuahua, August 28, 1963

MINUTE No. 214

ENGINEERING CONSIDERATIONS RELATING TO RELOCATION OF THE RIO GRANDE AT EL PASO, TEXAS, AND CIUDAD JUÁREZ, CHIHUAHUA

The Commission met at the offices of the Mexican Section, at Ciudad Juárez, Chihuahua, on August 28, 1963 at 10:00 a.m., to consider the engineering criteria and plans required to put into effect the joint recommendations for relocation of the channel of the Rio Grande at El Paso-Ciudad Juárez, referred to in the Memoranda of July 17, 1963¹ entitled "Recommendations to the Presidents of the United States and of Mexico by the Department of State and the Ministry of Foreign Relations for a Complete Solution of the Chamizal Problem".

The Commissioners reviewed the engineering aspects of the new channel of the river recommended in the Memoranda under reference, and the studies and computations which, under instructions from their respective Governments, they made of those aspects during the preparation of the Memoranda. They reviewed the "Preliminary Plan, Relocation of Rio Grande, El Paso, Texas-Ciudad Juárez, Chihuahua",² which is attached to this Minute as an Exhibit and forms part hereof, as well as the engineering studies and criteria on which it is based and the preliminary cost estimates of the new channel and of the bridges which are to replace those presently in service.

They noted that the centerline of the proposed new channel would diverge from the centerline of the present channel at point "A" shown on the Exhibit. Beginning at that point, the centerline is described as follows, with distances approximate: It would be aligned easterly along a curve of 2,300-foot radius and 0.44 mile in length, and a tangent of 0.62 mile, approximately parallel to the present channel and from 600 to 900 feet to the north of it; thence northeasterly along a curve of 1,640-foot radius and 0.32 mile in length, and a tangent of 0.22 mile; thence easterly along a curve 2,080 feet in radius and 0.35 mile in length and a tangent of 0.62 mile, crossing the west boundary of Cordova Island at a point 200 feet to the south of Monument No. 3 and approximately 1,000 feet to the south of the north boundary of said Island and 3,500 feet to the north of the present channel of the river; the line would continue to the southeast along a curve 1,910 feet in radius and 0.38 mile in length, which would cross the east boundary of Cordova Island 330 feet to the east of Monument No. 13 and thence also southeasterly along a tangent 0.82 mile; thence easterly along a curve of 5,730 feet in radius and 0.53 mile in length to connect with the present channel. The total length of the new channel would be approximately 4.3 miles.

¹ Not printed by the Department of State of the United States of America.

² See insert between pp. 214 and 215 of this volume.

The Commissioners found that the hydrologic studies, together with the consideration that the business districts of the two cities require a high degree of flood protection, support the criterion that the new river channel should be designed to carry a flood of 18,000 cubic feet per second with 3.3 feet of freeboard, as shown on the preliminary plan. They found that the proposed alignment of the new concrete-lined channel would be free of abrupt turns which might cause a significant rise in flood stages; that notwithstanding the fact that the new channel would have a greater length and curvature than the present channel, water elevations for the design flood would be lower in the new channel because of reduction in friction losses due to its concrete lining; that the lined channel requires considerably less width of right-of-way through the high-cost urban areas; with substantial savings in costs of land and improvements for right-of-way and in construction of new bridges; and that the preliminary plan also provides for inlet works to allow entrance of storm drainage, and for check structures in the new channel to be able to provide a water depth of six feet or more.

The two Commissioners noted that the relocation of the Rio Grande at El Paso-Ciudad Juárez requires approval of a Convention¹ by the two Governments.

The Commission then adopted the following resolution, subject to the approval of the two Governments:

A. The Commission finds engineeringly sound the new location of the river at El Paso-Ciudad Juárez as recommended, and as shown on the Exhibit, and approves the preliminary plan and cost estimates shown thereon, subject to such modifications as the Commission may agree upon in final design and construction.

B. The Commission specifically approves the following findings of the preliminary plan:

1) The precise areas which would be affected by relocation of the river, which in the aforementioned Memoranda and the maps attached thereto are given approximately to the nearest acre and hectare, are as follows: South of the centerline of the relocated channel and north of the present channel of the Rio Grande there would be a tract of 823.50 acres comprised of 366.00 acres in the Chamizal Tract, 193.16 acres in the southerly part of Cordova Island, and 264.34 acres to the east of the Island. North of the centerline of the relocated channel would be a tract of 193.16 acres which presently is the northerly part of Cordova Island.

2) The new channel of the Rio Grande as shown on the Exhibit would be concrete-lined, with cross-section as narrow as compatible with the capacity required to carry the design flood.

3) The new channel would provide a high degree of flood protection and a stable channel which could be properly operated and maintained by the two Governments through their respective Sections of the Commission. The new lined channel would provide a stable international boundary, would permit more effective sanitary control of the river, and would contribute to improvement and beautification of the border between the two countries at El Paso-Ciudad Juárez.

¹ See p. 186 of this volume.

C. The Commission recommends the following joint measures by the two Governments to implement the plan :

1) That when the Convention relating to the relocation of the river comes into force, the International Boundary and Water Commission :

- a) Make the necessary topographic surveys for demarcation of the new boundary.
- b) Prepare detail plans and perform all other engineering work preliminary to and preparatory for relocation of the river as may be required by the Convention.
- c) Undertake, at the earliest practicable date, the construction of the new bridges required to replace the six existing bridges and such portions of the new river channel as might be feasible and desirable as determined by the Commission. The bridge or bridges required to replace the two existing Cordova Island bridges shall be located as determined by the Commission, and each Section of the Commission shall assume responsibility for operation and maintenance of the portion of such bridge or bridges in its country, with the understanding that each Section may make arrangements if deemed necessary or desirable with local authorities of its country for operation and maintenance of its part of such bridge or bridges or for repayment of costs of said operation and maintenance.

2) That when such prerequisite measures as are set forth in the Convention have been effected :

- a) Each Government, in the territory under its jurisdiction, remove all structures from the right-of-way for the new channel as delineated by the Commission.
- b) The Commission demarcate the new boundary line.
- c) The Commission, after the two Governments have approved the new boundary line, proceed to complete the relocation of the river channel and all related engineering operations.

D. The Commission recommends that the equal division between the two countries of total costs of constructing the new channel and bridges, as recommended in the Memoranda of July 17, 1963, be effected by each Government performing, through its Section of the Commission, a portion of the construction work corresponding to one-half of the total cost.

E. The Commission recommends that in carrying out the construction of works allotted to it, each Section of the Commission may make use of any competent public or private agencies in accordance with the laws of its country.

F. It is recommended that each Section of the Commission observe, in the works which it may have to execute in the other country, the laws of that country, with the exemptions and facilities hereinafter stated :

1) All materials, implements, equipment and repair parts intended for the construction, operation and maintenance of such works shall be exempt from taxes relating to imports and exports. For this purpose, each Section of the Commission shall furnish verification certificates covering all materials, implements, equipment and repair parts intended for such works.

2) The personnel employed either directly or indirectly on the construction, operation or maintenance of such works shall be permitted to pass freely from one country to the other for the purpose of going to and from the place of location of the works, without any immigration restrictions, passports, or labor requirements. For this purpose, each Section of the Commission shall furnish adequate means of identification to the personnel employed by it on the aforesaid works.

G. The Commission recommends that construction of the works built in pursuance of the provisions of the Convention not confer upon either of the two countries any rights either of property or of jurisdiction over any part whatsoever of the territory of the other, and that the jurisdiction of each country be limited by the international boundary, which would be marked on the works.

H. The Commission recommends that to effectuate the provisions of the Convention each Government through its respective Section of the Commission obtain and retain direct ownership, control and jurisdiction over the part of the new channel of the river and the right-of-way in its own territory as shown on the Exhibit, the structures and improvements located therein except for the new bridges to replace the four that presently exist between El Paso and Ciudad Juárez, as well as over such other rights-of-way as each Government may require in its territory.

The meeting then adjourned.

J. F. FRIEDKIN
Commissioner of the United States

D. HERRERA J.
Commissioner of Mexico

J. D. WALSTROM
Secretary of the United States Section

Fernando RIVAS S.
Secretary of the Mexican Section

EXCHANGE OF NOTES

I

The American Ambassador to the Mexican Minister for Foreign Relations

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

México, D.F., August 29, 1963

No. 364

Excellency :

I have the honor to refer again to the Joint Communiqué issued in Mexico City on June 30, 1962, by the Presidents of our respective countries. In that statement they announced their agreement to instruct their executive agencies to recommend a complete solution to the Chamizal problem, which, without prejudice to their respective juridical positions, would take into account the entire history of the Chamizal tract. By exchanges of notes on July 17¹ the Department of State and the Ministry of Foreign Relations approved texts of identical Memoranda¹ recommending such a solution, which was at once accepted by the two Presidents. These Memoranda too noted that the solution was not to prejudice the juridical position of either country.

In the negotiation of a convention² to provide for the solution recommended by the Department of State and the Ministry of Foreign Relations, Your Excellency and I have had further occasion to discuss these juridical positions. As Your Excellency is aware, my Government continues to reserve its juridical position with respect to the Arbitral Award of 1911.

Accept, Excellency, the renewed assurances of my highest consideration.

Thomas C. MANN

His Excellency Manuel Tello
Minister for Foreign Relations
Mexico, D.F.

¹ Dated July 17, 1963. Not printed by the Department of State of the United States of America.

² See p. 186 of this volume.

[TRANSLATION¹ — TRADUCTION²]

MINISTRY FOR FOREIGN RELATIONS
UNITED MEXICAN STATES
MEXICO

México, D.F., August 29, 1963

11295

Mr. Ambassador :

I have the honor to acknowledge the receipt of Your Excellency's very courteous note of today's date, of which, for the sake of accuracy, I transcribe a Spanish translation below :

[*See note I*]

For my part, I wish to state that, as Your Excellency knows, the Government of Mexico also continues to reserve its juridical position with respect to the Arbitral Award of 1911.

I avail myself of the opportunity to renew to Your Excellency the assurance of my highest consideration.

Manuel TELLO

His Excellency Thomas C. Mann
Ambassador of the United States of America
City

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.