

No. 19694

**UNITED STATES OF AMERICA
and
MEXICO**

Agreement relating to border sanitation problems. Concluded by Minute No. 261 of the International Boundary and Water Commission, United States and Mexico, adopted at El Paso on 24 September 1979

Authentic texts: English and Spanish.

Registered by the United States of America on 27 March 1981.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

Accord concernant des problèmes sanitaires frontaliers. Conclu par procès-verbal n° 261 de la Commission internationale des frontières et des eaux des États-Unis et du Mexique, adopté à El Paso le 24 septembre 1979

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 27 mars 1981.

INTERNATIONAL BOUNDARY AND WATER COMMISSION,
UNITED STATES AND MEXICO. RECOMMENDATIONS¹
FOR THE SOLUTION TO THE BORDER SANITATION PROBLEMS.
MINUTE No. 261, EL PASO, TEXAS, SEPTEMBER 24,
1979

The Commission met in the offices of the United States Section in El Paso, Texas at 5:00 p.m. on September 24, 1979 to comply with instructions given by Presidents Jimmy Carter and José López Portillo, in the Joint Communiqué of February 16, 1979 to recommend measures that may be adopted within the context of existing agreements to achieve further progress towards a permanent solution to the border sanitation problems.

The Commission examined the provisions of the 1944 Water Treaty² and observed that by the terms of Article 3, the two Governments obligated themselves to give preferential attention to the solution of all border sanitation problems. In addition it noted that the same Article 3, together with Articles 2 and 24, give the Commission the authority to meet this obligation.

The Commission agreed to define as a "border sanitation problem" each case in which the waters that cross the boundary, including coastal waters, or that flow in the limitrophe reaches of the Rio Grande and the Colorado River, have sanitary conditions that present a hazard to the health and well-being of the inhabitants of either side of the border or impair the beneficial uses of these waters.

The Commission noted that each country in dealing with its sanitation problems has its own quality standards, determined by the authorities responsible for safeguarding public health and well-being of its inhabitants, and recognized that there exists a growing cooperation between such authorities.

The Commission reviewed the measures that each Government has undertaken to improve the quality of the waters along the border and noted that, although each Government has taken in its territory interim relief and long-term measures to resolve the border sanitation problems, some of these problems persist and in certain cases inadequately treated sanitary wastes cross the border from one country to the other or are discharged into the rivers that form the boundary, to threaten the health and well-being of inhabitants on one or both sides of the border or impair the beneficial uses of these waters.

The Commission observed that, in addition to resolving the existing border sanitation problems, it is necessary that the two Governments take timely measures to prevent any other border sanitation problems which could otherwise occur.

¹ Came into force on 2 October 1979, after approval by the two Governments.

² United Nations, *Treaty Series*, vol. 3, p. 313.

Accordingly, the Commission submits for the approval of the two Governments the following recommendations:

1. That the two Governments recognize as a “border sanitation problem”, as referred to in Article 3 of the Water Treaty of 1944, each case in which, in the judgement of the Commission, the waters that cross the border, including coastal waters, or flow in the limitrophe reaches of the Rio Grande and the Colorado River, have sanitary conditions that present a hazard to the health and well-being of the inhabitants of either side of the border or impair the beneficial uses of these waters.
2. That to discharge the obligation contracted under Article 3 of the Water Treaty of 1944, the Commission give permanent attention to border sanitation problems and give currently existing problems immediate and priority attention.
3. That to resolve existing sanitation problems in a timely manner and to prevent future problems, the competent agencies of each Government provide to their respective Section of the Commission the information and technical advice that it requires.
4. That for each of the border sanitation problems, the Commission prepare a Minute for the approval of the two Governments, in which there would be included, identification of the problem, definition of conditions which require solution, specific quality standards that should be applied, the course of action that should be followed for its solution, and the specific time schedule for its implementation.
5. That in each case where the approved course of action provides that a border sanitation problem be corrected by one of the two Governments, that Government urgently develop the plans and designs for the works necessary therefor and upon their approval by the Commission, said Government proceed to carry out the construction, operation and maintenance, with the greatest speed and timeliness possible.
6. That in each case where the approved course of action provides that a border sanitation problem be jointly corrected by the two Governments, the Commission develop the plans and designs for the works necessary therefor, as well as the division of work and cost between the two countries, submit them for approval of the two Governments, and upon such approval, each Government through its Section of the Commission proceed to carry out the construction, operation and maintenance, with the greatest speed and timeliness possible.
7. That the two Governments give their respective Sections the necessary authority and support so that they, in accordance with the terms of Article 24 (b) of the Water Treaty of 1944, can exercise jurisdiction over sanitation works undertaken in their respective countries to correct the border sanitation problems, including their construction, operation and maintenance.
8. That the Commissioners keep each other informed of the progress of the work in their respective countries and that the Commission, through the respective Sections, keep the Governments informed on the progress in the solution to the border sanitation problems.

9. That this Minute requires specific approval of the two Governments.

The meeting adjourned.

[Signed — Signé]¹

Commissioner of the United States

[Signed — Signé]³

Commissioner for Mexico

[Signed — Signé]²

Secretary of the United States Section

[Signed — Signé]⁴

Secretary of the Mexican Section

¹ Signed by J. F. Friedkin — Signé par J. F. Friedkin.

² Signed by M. R. Ybarra — Signé par M. R. Ybarra.

³ Signed by Joaquín Bustamante — Signé par Joaquín R. Bustamante.

⁴ Signed by Lorenzo Padilla S. P. — Signé par Lorenzo Padilla S. P.