

No. 22330

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**FRANCE
and
SWITZERLAND**

**Agreement on the demarcation and maintenance of the
frontier. Signed at Paris on 10 March 1965**

**Exchange of notes constituting an agreement modifying
article 7 of the above-mentioned Agreement. Paris,
30 September 1980 and 31 March 1981**

Authentic texts: French.

Registered by France on 30 August 1983.

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**FRANCE
et
SUISSE**

**Accord concernant l'abornement et l'entretien de la fron-
tière. Signé à Paris le 10 mars 1965**

**Échange de notes constituant un accord portant modifica-
tion de l'article 7 de l'Accord susmentionné. Paris,
30 septembre 1980 et 31 mars 1981**

Textes authentiques : français.

Enregistrés par la France le 30 août 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE SWISS FEDERAL COUNCIL ON THE DEMARCATION AND MAINTENANCE OF THE FRONTIER

The Government of the French Republic and the Swiss Federal Council,

Desiring to establish rational regulations relating to the demarcation, maintenance and identification of the frontier between the territories of the two States, have agreed on the following provisions.

Chapter I. GENERAL PROVISIONS

Article 1. The demarcation of the frontier, as defined by the international agreements in force between the two States, shall be established and maintained so that the boundary line is well defined and can be easily located along its whole length.

Article 2. The Contracting Parties shall, within the framework of their laws, regulations and administrative provisions, take the necessary measures to ensure the maintenance of the demarcation of the frontier and to prevent and halt the destruction, deterioration or improper use of boundary posts, markers and other demarcation signs.

Article 3. Boundary markers situated on the boundary line shall be the joint property of the two States. Other demarcation signs shall be the property of the State in whose territory they are situated.

Article 4. No structures shall be built less than 2 metres from the frontier on either side. Where paths form the frontier, the distance shall be measured from their edges.

The provisions of the first paragraph of this article shall not apply to structures used for the official services of the Contracting Parties.

An exception is hereby made with respect to the provisions of agreements between the two States concerning the construction of roads, bridges, foot-bridges, ferry services, electric or hydro-electric installations and other public works.

Existing structures which do not comply with the provisions set out in the first paragraph of this article shall be permitted. In case of demolition or remodelling, their reconstruction shall be permitted only if it complies with these provisions.

The competent authorities of the two States may, by mutual agreement, allow exceptions to the provisions of the first paragraph of this article in order to accommodate special situations existing at the frontier—in particular, to facilitate farming and to permit fishing and navigation—provided that the structures permitted in no way hamper surveillance of the frontier.

¹ Came into force on 1 April 1966, the date of the last of the notifications by which the Contracting Parties informed each other (on 5 March and 1 April 1966) of the completion of the required constitutional procedures, in accordance with article 15.

Each State shall be entitled to apply provisions more strict than those laid down in the first paragraph of this article.

Article 5. Where the frontier crosses woodland, brushwood or scrub, a strip of ground 4 metres wide (2 metres on each side of the frontier) must be kept clear of vegetation at all times.

Each State shall bear the cost of clearing ground in its territory pursuant to the preceding paragraph.

Chapter II. PERMANENT DEMARCATION OFFICIALS

Article 6. The demarcation and maintenance of the frontier shall be the task of permanent demarcation officials whose duties shall be as follows:

- (a) To ensure the surveillance and inspection of boundary markers and other boundary demarcation signs. It is understood, however, that each State shall be entitled to arrange for administrative services or bodies other than the permanent officials to carry out the surveillance and inspection of boundary markers and other demarcation signs;
- (b) To identify and communicate to their authorities any circumstances which are not in compliance with articles 1, 4 and 5 of this Agreement;
- (c) By mutual agreement to prepare an annual statement of work required for the maintenance or replacement of boundary markers and other demarcation signs, together with the related cost estimates;
- (d) Upon approval by the authorities referred to in article 9, to order that work be done for which their State is responsible or which either State is to do on behalf of the other. When the work is urgent, however, the permanent demarcation officials may take measures on their own authority;
- (e) To prepare an annual report on the execution of the work involved in maintaining or replacing boundary markers and other demarcation signs indicating the relevant costs.

An account of the operations provided for in this article, prepared in duplicate and signed by the competent officials of the two States, shall be forwarded to the authorities referred to in article 9.

Article 7. For the purpose of the application of article 6 of this Agreement, the frontier shall be divided into eight sectors, namely:

1. The frontier between the canton of Bâle-Ville and the department of Haut-Rhin;
2. The frontier between the canton of Bâle-Campagne and the department of Haut-Rhin;
3. The frontier between the canton of Soleure and the department of Haut-Rhin;
4. The frontier between the canton of Berne and the departments of Haut-Rhin, Territoire de Belfort and Doubs;
5. The frontier between the canton of Neuchâtel and the department of Doubs;
6. The frontier between the canton of Vaud and the departments of Doubs, Jura and Ain;

7. The frontier between the canton of Geneva and the departments of Ain and Haute-Savoie;
8. The frontier between the canton of Valais and the department of Haute-Savoie.

One permanent demarcation official of either State may have jurisdiction over several sectors.

Article 8. The permanent demarcation officials and persons they designate to execute the maintenance work on the frontier may, for the purposes of this Agreement, freely cross the frontier, provided that they carry a document indicating their identity and status issued by the competent authorities of their respective States.

The persons referred to in the preceding paragraph may take along, free of all customs duties and taxes, the tools and materials needed for their work, as well as transport vehicles for themselves and materials, provided that the tools, unused materials and vehicles are returned to the territory of the State where they originated.

Chapter III. RULES OF PROCEDURE

Article 9. The demarcation authorities in the central administrations of the two States may be in direct communication for the purpose of applying this Agreement in order to ensure its proper functioning and to co-ordinate the activity of the permanent officials. They shall meet for this purpose at least once a year in order to:

- (a) Establish a plan by mutual agreement and on the basis of the reports prepared by the permanent officials pursuant to article 6 (c) for the allocation of the work to be performed by those officials;

The allocation shall be made in such a manner as to ensure that the same amount, so far as possible, shall be spent on the works for which each State is responsible. However, the works may be amalgamated and executed by either State on behalf of the other where such amalgamation is more economical;

- (b) Review the reports prepared by the permanent officials on work done pursuant to article 6 (e) and make arrangements to defray costs, as appropriate;
- (c) Take all necessary measures to ensure that the files and maps constituting the documentation relating to the description and delimitation of the boundary are compiled without delay and kept up to date in an organized manner.

The two Governments shall communicate to each other the names of the authorities referred to in the first paragraph of this article, together with that of the authority to whom the permanent officials should send the reports mentioned in the last subparagraph of article 6.

Minutes of the meetings held by the authorities referred to in this article shall be prepared in duplicate, both copies being equally authentic, for the two Governments.

Article 10. The two Governments shall communicate to each other the names of their permanent demarcation officials and the sectors assigned to them. They shall also notify each other of any changes in that regard.

Article 11. Each Government shall bear the cost of remuneration of its permanent demarcation officials. The other costs arising out of this Agreement shall be shared equally by the two Governments. However, when demarcation work is made necessary by works being executed under a concession, the costs arising from such demarcation work shall be borne by the concessionary company.

Article 12. A joint commission shall be established as soon as this Agreement enters into force. It shall be composed of five French delegates and five Swiss delegates.

Each delegation may be enlarged by the addition of experts.

The Joint Commission shall also examine any problems that may arise in implementing the provisions of this Agreement. It shall propose possible solutions to the two Governments.

The Joint Commission shall meet at the request of either Government and shall hold its meetings alternately in France and in Switzerland.

Article 13. On recommendation of the Joint Commission, the two Governments may, by means of a simple exchange of notes, make any amendments to this Agreement which experience may dictate.

Chapter IV. FINAL PROVISIONS

Article 14. An express reservation is hereby made as regards measures that either Contracting Party may be obliged to adopt for reasons of national security, or owing to the existence of a state of war or to the proclamation of a state of siege, or a state of emergency, or in connection with a mobilization in either State.

Article 15. Each Contracting Party shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Agreement, which shall take effect on the date of the last notification.

This Agreement is concluded for a period of five years from its entry into force. Unless it is denounced with six months' notice, on the expiration of that period it shall be renewed automatically under the same conditions for subsequent two-year periods.

DONE at Paris, on 10 March 1965, in duplicate in the French language, both copies being equally authentic.

For the Government
of the French Republic:

[Illegible]

For the Swiss Federal Council:

[Illegible]

[TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC
AND THE SWISS FEDERAL COUNCIL MODIFYING ARTI-
CLE 7 OF THE AGREEMENT OF 10 MARCH 1965 ON THE
DEMARCATIION AND MAINTENANCE OF THE FRONTIER²

I

THE SWISS EMBASSY

471.01.

The Swiss Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour to inform it that the Committee on the Demarcation of the Franco-Swiss Border recommends to the two Governments that article 7 of the Agreement of 10 March 1965 between the Swiss Federal Council and the Government of the French Republic on the demarcation and maintenance of the frontier be amended.

Article 7, as amended, would read as follows:

“For the purposes of implementation of article 6 of this Agreement, the frontier shall be divided into 11 sectors, namely:

1. The frontier between the canton of Bâle-Ville and the department of Haut-Rhin;
2. The frontier between the canton of Bâle-Campagne and the department of Haut-Rhin;
3. The frontier between the canton of Soleure and the department of Haut-Rhin;
4. The frontier between the canton of Berne and the department of Haut-Rhin;
5. The frontier between the canton of Jura and the department of Haut-Rhin and the Territory of Belfort;
6. The frontier between the canton of Jura and the department of Doubs;
7. The frontier between the canton of Neuchâtel and the department of Doubs;
8. The frontier between the canton of Vaud and the departments of Doubs, Jura and Ain;
9. The frontier between the canton of Geneva and the department of Ain;
10. The frontier between the canton of Geneva and the department of Haute-Savoie;

¹ Came into force on 31 March 1981, the date of the note in reply, in accordance with the provisions of the said notes.

² See p. 66 of this volume.

11. The frontier between the canton of the Valais and the department of Haute-Savoie.

One permanent demarcation official of either State may have jurisdiction over several sectors.”

In accordance with article 13 of the Agreement of 1965, the two Governments may make amendments to the Agreement through a simple exchange of notes.

The Embassy therefore respectfully requests the Ministry of Foreign Affairs to signify its approval of the foregoing. If it approves, this note, which has been approved by the Swiss Federal Council, together with the reply from the Ministry, shall constitute an exchange of notes amending article 7 of the Agreement of 10 March 1965 on the demarcation and maintenance of the frontier. The exchange of notes shall enter into force on the date of the French note.

The Swiss Embassy takes this opportunity, etc.

Paris, 30 September 1980

Ministry of Foreign Affairs
Paris

II

MINISTRY OF FOREIGN AFFAIRS

Paris, 31 March 1981

The Ministry of Foreign Affairs presents its compliments to the Swiss Embassy and has the honour to confirm that it has received its note of 30 September 1980 concerning amendment of article 7 of the Agreement of 10 March 1965 between the Government of the French Republic and the Swiss Federal Council on the demarcation and maintenance of the frontier, and which reads as follows:

[*See note I*]

The Ministry of Foreign Affairs is pleased to inform the Swiss Embassy that its proposals have been accepted by the French Government.

Accordingly, in compliance with article 13 of the Agreement of 10 March 1965, the aforesaid note from the Embassy together with this note shall constitute an agreement between the two Governments amending article 7 of the aforesaid Agreement, and shall enter into force on today's date.

The Ministry of Foreign Affairs takes this opportunity, etc.

The Swiss Embassy
Paris