

No. 33648

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**MULTILATERAL**

**Treaty on cooperation in protection of the borders of States participating in the Commonwealth of Independent States with countries not forming part of the Commonwealth. Concluded at Minsk on 26 May 1995**

*Authentic text: Russian.*

*Registered by Belarus on 1 April 1997.*

**Participation by Kazakhstan under article 19**

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**MULTILATÉRAL**

**Traité concernant la coopération pour la protection des frontières des États membres de la Communauté des États indépendants avec des États non membres de la Communauté. Conclu à Minsk le 26 mai 1995**

*Texte authentique : russe.*

*Enregistré par le Bélarus le 1<sup>er</sup> avril 1997.*

**Participation du Kazakhstan en vertu de l'article 19**

## [TRANSLATION]

TREATY<sup>1</sup> ON COOPERATION IN PROTECTION OF THE BORDERS  
OF STATES PARTICIPATING IN THE COMMONWEALTH OF IN-  
DEPENDENT STATES WITH COUNTRIES NOT FORMING PART  
OF THE COMMONWEALTH

The States participating in the Commonwealth of Independent States which have signed the present Treaty, hereinafter referred to as the Parties,

Guided by the universally accepted principles and norms of international law and by the desire to develop friendly, good-neighbourly relations and facilitating the mutual maintenance of security on the border of the States participating in the Commonwealth,

Acknowledging the need for cooperation in the protection of the border of the States participating in the Commonwealth of Independent States with States not forming part of the Commonwealth,

Confirming their adherence to the provisions of the Charter of the United Nations, the principles of the Organization for Security and Cooperation in Europe, and the provisions of the Helsinki Final Act,<sup>2</sup> the Charter of the Commonwealth of Independent States<sup>3</sup> and other instruments on border issues adopted by the Parties and having the force of law for them,

Have agreed as follows:

*Article 1*

For the purposes of the present Agreement:

- “Borders” shall mean the sections of the State borders of the States participating in the Commonwealth of Independent States that border on States not forming part of the Commonwealth;
- “Council of Commanders” shall mean the Council of Commanders of the border troops;
- “Border troops” shall mean the border troops of the Parties.

*Article 2*

The purposes of cooperation between the Parties in protection of the Borders are:

<sup>1</sup> Came into force on 10 July 1996, in accordance with article 19:

<i>Participant</i>	<i>Date of deposit of the notification</i>
Armenia .....	12 February 1996
Belarus* .....	10 July 1996
Russian Federation .....	11 June 1996

\* For the text of the reservations, see p. 80 of this volume.

<sup>2</sup> *International Legal Materials*, vol. XIV (1975), p. 1292 (American Society of International Law).

<sup>3</sup> United Nations, *Official Records of the General Assembly, Forty-fifth Session*, document A/45/859.

To ensure protection of the Borders taking into account the interest of the Parties;

To ensure the effective combating of international and domestic terrorism, any manifestation of separatism and nationalism, narcotics trafficking, illegal migration, and unlawful transportation of weapons, munitions, radioactive, toxic and psychotropic substances and other items and cargoes whose import and export is prohibited by the national legislation of the Parties and by international agreements;

Development of the basis in the law of treaties for cooperation among and harmonization of the legislation of the Parties on border issues.

#### *Article 3*

The Parties shall establish and develop equitable relationships of partnership with one another, aimed at effectively resolving the problems of strengthening peace on the Borders.

The Parties bear mutual responsibility for ensuring protection of their section of the Border taking into account the security interests of the Parties.

The Parties acknowledge the priority that attaches to decisions (adopted on a consensus basis) of the supreme organs of the Commonwealth on issues of ensuring security of the Borders.

#### *Article 4*

The Parties shall conduct the protection of the Borders, in accordance with national legislation, through agreed or joint efforts taking into account the interests of the Parties on terms which shall be determined by the respective bilateral or multilateral agreements and understandings.

In the event of a threat to the security of the Borders arising, the Parties shall immediately conduct mutual consultations in order to take appropriate measures to remove the threat that has arisen.

#### *Article 5*

The Parties shall be entitled to take measures, on the basis of international agreements, to ensure the protection of their Borders using the contingent from another State participating in the Commonwealth of Independent States necessary for that purpose.

#### *Article 6*

The Parties may, taking national legislation into account, establish regional joint commands (operational groups, joint staffs or coordination councils) to coordinate joint efforts for the protection of the Borders and conduct border policy.

#### *Article 7*

The Parties shall cooperate in the conduct of scientific projects, including the establishment of joint programmes and the design, manufacture and introduction of new equipment for protecting the Borders.

#### *Article 8*

The Parties shall cooperate in the upgrading of the equipment provided to the border troops.

The procedure and conditions for concessional deliveries to border troops of special border troop equipment and material resources shall be established by a separate agreement.

*Article 9*

In the interests of protecting the Borders, the Parties shall where necessary conclude bilateral or multilateral agreements regulating the use by border troops of sectors of territory, airspace, terrestrial and aquatic space, airports, airfields, ports, moorings, branch railway lines and access roads, as well as the acquisition of the necessary meteorological information for flights by Border air forces and navigational and hydrographic information for vessels of the border troops.

*Article 10*

For purposes of timely adoption of decisions on protection of the Borders, the Parties shall ensure the continuous operation of a process of compilation and processing of information and forecasting of the situation at the Borders, the constant mutual exchange of information and the preparation of proposals on preventive measures employed in international practice.

The Parties shall keep the existing special communications channels of the Border troops and other competent services in working order, and at the same time take joint measures to establish new communications and information channels (systems) within the framework of programmes drawn up by States participating in the Commonwealth.

*Article 11*

The Parties shall not communicate to anyone materials and information of an official or secret nature obtained from one another without the written consent of the Party from which the said materials and information were obtained.

*Article 12*

The Parties shall cooperate in matters relating to the conduct of investigations to ensure protection of the Borders by the organs of the border troops authorized to do so in accordance with the legislation of each of the Parties.

*Article 13*

The Parties shall harmonize (coordinate) their border policy in relations with neighbouring countries that are not States participating in the Commonwealth.

The present Treaty does not affect the rights and obligations of the Parties under other bilateral and multilateral treaties and agreements in force, and is not directed against third countries.

*Article 14*

The Parties shall take measures to harmonize their legislation and other regulations governing issues of protection of the Borders and the regime relating to them.

For purposes of creating the most favourable and equitable conditions for ensuring the activity of the border troops, the Parties shall exchange information on the adoption of new national legislation affecting matters of protection of the Borders and the regime relating to them.

*Article 15*

The Parties shall, on the basis of a treaty, cooperate with one another in training officers and junior specialists for the border troops.

Diplomas and certificates, as well as other documents attesting to the relevant education or specialized training, including such diplomas, certificates and documents issued before the entry into force of the present Treaty, shall be recognized in the territory of the Parties.

*Article 16*

The Parties shall where necessary conclude separate agreements on the entitlement of military personnel, members of their families and other citizens participating in the protection of the Borders outside their States, to allowances and benefits that take into account the regional nature of the assignment, State and inter-State insurance and material, financial and other types of support.

*Article 17*

The Parties shall ensure on the basis of treaties the admission to their treatment and prophylactic institutions for investigation and treatment (hospitalization) of military personnel and pensioners of the border troops and members of their families, and the issuance of vouchers for admission to departmental sanatoriums and rest homes at the expense of the sending party.

*Article 18*

Disputes arising out of the interpretation and application of the present Treaty shall be resolved by means of consultations and negotiations among the Parties.

Additions and amendments to the present Treaty may be submitted on the initiative of one or more of the signatory Parties, and shall be adopted on the basis of consensus.

The Parties assign to the Council of Commanders the task of coordinating measures for the implementation of the present Treaty.

For these purposes the Council of Commanders may, after agreement with interested parties, establish temporary working bodies consisting of representatives of the ministries of foreign affairs, the border troops and other concerned ministries and departments of the Parties. The procedure for the implementation of these measures shall be determined by a separate agreement with the receiving Party.

*Article 19*

The present Treaty shall enter into force on the day of transmission to the depositary of the third notification of completion of the domestic procedures required for its entry into force. For a Party which informs the depositary of the completion of such procedures after the entry into force of the Treaty, it shall enter into force on the day of transmission of that notification to the depositary.

*Article 20*

The Treaty is concluded for a five-year period and shall be automatically extended for subsequent five-year periods. Any of the Parties may withdraw from

the present Treaty by so notifying the depositary in writing not less than six months before the expiry of the current period.

Other States participating in the Commonwealth of Independent States may accede to the present Treaty after its entry into force.

*Article 21*

The present Treaty shall be registered with the Secretariat of the United Nations in accordance with article 102 of the Charter of the United Nations.

DONE at Minsk on 26 May 1995 in one original in Russian. The original shall be deposited in the archives of the Executive Secretariat of the Commonwealth of Independent States, which shall send a certified copy thereof to each State signatory to the present Treaty.

For the Azerbaijani  
Republic:

For the Republic  
of Armenia:  
L. TER-PETROSSIAN

For the Republic  
of Belarus:  
A. G. LUKASHENKA

For the Republic  
of Georgia:  
O. A. PATSATSIA

For the Republic  
of Kazakhstan:  
E. M. ASANBAEV

For the Kyrgyz  
Republic:  
A. A. AKAEV

For the Republic  
of Moldova:

For the Russian  
Federation:  
B. N. YELTSIN

For Turkmenistan:

For the Republic  
of Tajikistan:  
E. S. RAKHMONOV

For the Republic  
of Uzbekistan:

For Ukraine:

## [TRANSLATION]

To Article 2:

“With the exception of the words ‘any manifestation of separatism and nationalism’ ”.

To Article 5:

“The use of a contingent from the Republic of Belarus beyond its territory for joint protection of the borders of the States participating in the Commonwealth of Independent States, as well as the use of contingents from States participating in the Commonwealth of Independent States to protect the State border of the Republic of Belarus, may take place only on the basis of a decision to that effect by the Supreme Council of the Republic of Belarus”.

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## [TRADUCTION]

Concernant l'article 2 :

« A l'exclusion des mots « toute manifestation de séparatisme ou de nationalisme » »,

Concernant l'article 5 :

« L'utilisation d'un contingent de la République du Bélarus en dehors de son territoire pour la protection commune des frontières de la Communauté des États indépendants, ainsi que la participation de contingents des États Membres de la Communauté des États indépendants pour la protection de la frontière de la République du Bélarus ne peuvent se faire que moyennant une décision du Conseil suprême de la République du Bélarus »

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PARTICIPATION UNDER ARTICLE 19

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*Notification deposited with the Government of Belarus on:*  
12 November 1996

KAZAKHSTAN

(With effect from 12 November 1996.)

*Certified statement was registered by Belarus on 1 April 1997.*

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