

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's 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.