

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]