

No. 7937

**AUSTRIA
and
HUNGARY**

**Treaty for keeping the common State frontier visible and
regulating the questions relating thereto (with annexes).
Signed at Budapest, on 31 October 1964**

Official texts: German and Hungarian.

Registered by Austria on 24 September 1965.

**AUTRICHE
et
HONGRIE**

**Traité prévoyant des mesures pour que la frontière d'État
commune demeure visible et portant réglementation de
questions connexes (avec annexes). Signé à Budapest,
le 31 octobre 1964**

Textes officiels allemand et hongrois.

Enregistré par l'Autriche le 24 septembre 1965.

[TRANSLATION — TRADUCTION]

No. 7937. TREATY¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE HUNGARIAN PEOPLE'S REPUBLIC FOR KEEPING THE COMMON STATE FRONTIER VISIBLE AND REGULATING THE QUESTIONS RELATING THERETO. SIGNED AT BUDAPEST, ON 31 OCTOBER 1964

The Federal President of the Republic of Austria and

The Presidential Council of the Hungarian People's Republic,

Desiring to ensure that the common State frontier remains visible in the future and to regulate the questions relating thereto, have decided to conclude a Treaty for the purpose and have to that end appointed as their plenipotentiaries :

The Federal President of the Republic of Austria :

Dr. Bruno Kreisky, Federal Minister for Foreign Affairs ;

The Presidential Council of the Hungarian People's Republic :

János Péter, Minister for Foreign Affairs.

The Plenipotentiaries, having exchanged their full powers, found in good and due form, have agreed as follows :

CHAPTER I

COURSE OF THE STATE FRONTIER

Article 1

The State frontier between the Republic of Austria and the Hungarian People's Republic follows the course which, on the basis of

Article 27, paragraph 1, of the Treaty of Peace concluded at Trianon on 4 June 1920 ;²

Article 27, paragraph 5, of the State Treaty concluded at Saint-Germain-en-Laye on 10 September 1919 ;³

¹ Came into force on 9 April 1965, the date of the exchange of the instruments of ratification at Vienna, in accordance with article 31.

² League of Nations, *Treaty Series*, Vol. VI, p. 187.

³ League of Nations, *Treaty Series*, Vol. II, p. 35.

The Venice Protocol of 13 October 1921¹ regarding the settlement of the question of Western Hungary ; and

The decision of 19 September 1922 of the Council of the League of Nations and the Agreement of 22 November 1922 between the two Contracting States concerning the compensatory cession of certain territories (*Convention du 22 novembre 1922 au sujet de certaines compensations*),

was determined and marked on the spot by a Frontier Delimitation Commission during the years 1922-1924, and which was confirmed, in accordance with its status as at 1 January 1938, by

Article 1, paragraph 1, of the Treaty of Peace with Hungary concluded on 10 February 1947² and

Article 5 of the Austrian State Treaty of 15 May 1955,³
due regard being had to the fact that, owing to the frontier rectification effected between Hungary and Czechoslovakia under article 1, paragraph 4 (c), of the Treaty of Peace with Hungary concluded on 10 February 1947, the Austrian-Hungarian State frontier has been shortened.

Article 2

The State frontier shall delimit the territories of the two Contracting States both on the ground and, without exception, in a vertical direction in the air space and below the ground.

Article 3

The State frontier shall continue to be divided into the sectors and sub-sectors determined by the Frontier Delimitation Commission, due regard being had to the shortening of the frontier referred to in article 1.

Article 4

1. The course of the State frontier determined by the Frontier Delimitation Commission shall be unalterable, even in the event that changes in the terrain have been or are hereafter brought about by geographical causes (e.g. displacement of a river bed), by construction or by any other cause.

2. Where the State frontier runs over water, the Contracting States shall ensure—subject to the provisions of the Treaty of 9 April 1956⁴ between the Republic of Austria and the Hungarian People's Republic concerning the regulation of water

¹ League of Nations, *Treaty Series*, Vol. IX, p. 203.

² United Nations, *Treaty Series*, Vol. 41, p. 135.

³ United Nations, *Treaty Series*, Vol. 217, p. 223.

⁴ United Nations, *Treaty Series*, Vol. 438, p. 123.

economy questions in the frontier region—that the banks of such waters are properly maintained, in order that the waters may, where this is not contrary to the fundamental interests of water economy, remain in so far as possible in their original position.

CHAPTER II

PROTECTION OF FRONTIER MARKS AND MEASURES TO KEEP THE COURSE OF THE STATE FRONTIER VISIBLE

Article 5

1. The Contracting States undertake to ensure, by surveying and marking the common State frontier, that the course of the State frontier determined by the Frontier Delimitation Commission remains clearly visible at all times. They further undertake to maintain and, where necessary, restore, in accordance with this Treaty, the frontier marks required for the purpose.

2. The Contracting States undertake to protect all frontier marks, irrespective of the frontier sector concerned. For this purpose, they shall take the necessary steps to prevent the deliberate damaging, destruction or displacement of frontier marks.

Article 6

1. The Contracting States undertake to ensure that a strip one metre wide on each side of the land portion of the frontier line and a circle with a radius of one metre around each frontier mark not situated on the frontier line (indirect demarcation) is kept free of trees and bushes ; this shall also apply to other plants which reduce the visibility of frontier marks.

2. The owners of land situated on the State frontier and persons otherwise entitled to the use of such land shall take the measures required under paragraph 1 without any claim to compensation. If they fail to discharge their obligation, the competent authority shall order them to do so and shall, if necessary, take enforcement action.

3. The competent local authorities of the Contracting States shall notify each other of such works wherever possible.

Article 7

1. In order to keep the course of the State frontier visible, the construction of buildings, installations or enclosures in the areas referred to in article 6 shall be prohibited, save where they serve the purposes of public transport or frontier traffic.

2. The provisions of paragraph 1 shall not apply to currently existing buildings and installations until such time as they collapse, are completely destroyed or cease to be used.

Article 8

No private boundary marks may be placed on the frontier line ; accordingly, property boundaries which intersect it may be marked only with directional stones, which shall be placed at least three metres from the State frontier.

CHAPTER III

SURVEYING AND MARKING OF THE STATE FRONTIER

Article 9

1. The surveyors and auxiliary personnel required for the purpose of surveying and marking the State frontier shall be made available by each Contracting State at its own expense.

2. Without prejudice to the provisions of paragraph 1 and of articles 13 and 18, the required labour, materials, vehicles and equipment (machinery, tools, measuring instruments and the like) shall be made available at its own expense :

- (a) On sub-sectors A II, A IV, A VI, B II, B IV, B VI, C I, C II and C VI, by the Republic of Austria ;
- (b) On sub-sectors A III, A V, B I, B III, B V, C III, C IV and C V, by the Hungarian People's Republic.

3. The persons referred to in paragraphs 1 and 2 may be uniformed military personnel.

4. The persons referred to in paragraphs 1 and 2 may not carry weapons and must be nationals of the Contracting State by which they are employed.

5. The triangulation and polygonal points required for the purpose of surveying the common State frontier shall be maintained by the Contracting State in whose territory they are situated. They may be used in equal measure and without hindrance by the persons employed by the Contracting States to restore the State frontier.

6. Periodic checks of the frontier marks shall be made by the Contracting States every six years. The first inspection of the frontier marks shall begin within one year after the entry into force of this Treaty.

Article 10

The owners of land, mines, bridges and other structures situated on or near the State frontier and persons otherwise entitled to their use shall, without any claim to compensation, permit the necessary surveying and marking work, and in particular the erection or placement of frontier marks.