

No. 8511

**AUSTRIA
and
YUGOSLAVIA**

**Treaty concerning the common State frontier (with annexes).
Signed at Belgrade, on 8 April 1965**

Official texts: German and Serbo-Croat.

Registered by Austria on 9 January 1967.

**AUTRICHE
et
YOUgoslavie**

**Traité relatif à la frontière d'État commune (avec annexes).
Signé à Belgrade, le 8 avril 1965**

Textes officiels allemand et serbo-croate.

Enregistré par l'Autriche le 9 janvier 1967.

[TRANSLATION — TRADUCTION]

No. 8511. TREATY¹ BETWEEN THE REPUBLIC OF AUSTRIA
AND THE SOCIALIST FEDERAL REPUBLIC OF YUGO-
SLAVIA CONCERNING THE COMMON STATE FRON-
TIER. SIGNED AT BELGRADE, ON 8 APRIL 1965

The Republic of Austria and the Socialist Federal Republic of Yugoslavia, desiring to ensure that the frontier between the two States remains visible and secure in the future and to regulate the questions relating thereto, have agreed as follows :

PART I

COURSE OF THE STATE FRONTIER

Article 1

(1) The State frontier between the Republic of Austria and the Socialist Federal Republic of Yugoslavia follows the course which, on the basis of article 27, paragraphs 3 and 4, and articles 29, 30 and 35 of the State Treaty concluded at Saint-Germain-en-Laye on 10 September 1919, was determined by a Frontier Delimitation Commission during the years 1920-1923 and which was confirmed, in accordance with its status as at 1 January 1938, by article 5 of the Austrian State Treaty of 15 May 1955.² In the frontier sector of the Mur (Mura), however, the State frontier is permanently defined by the centre line of the water-course fixed on 25 November 1962.

(2) The entire State frontier was newly marked during the years 1958-1961 by the Mixed Commission established pursuant to the Convention of 19 March 1958 between the Austrian Federal Government and the Government of the Federal People's Republic of Yugoslavia concerning the restoration, protection and maintenance of frontier stones and other frontier marks on the Austrian-Yugoslav State frontier.

Article 2

The State frontier shall delimit the territories of the Contracting States both on the ground and in a vertical direction in the air space and below the ground. This principle shall apply, in particular, in cases where the frontier intersects bridges as well as mines, tunnels and other underground structures.

¹ Came into force on 20 October 1966, the thirtieth day following the exchange of the instruments of ratification, which took place at Vienna, in accordance with article 40.

² United Nations, *Treaty Series*, Vol. 217, p. 223.

Article 3

The State frontier shall continue to be divided into frontier sectors (sections) I to XXVII, as determined by the Frontier Delimitation Commission.

PART II

WATER SECTORS OF THE FRONTIER

Article 4

(1) Where the Frontier Delimitation Commission has fixed the State frontier in the middle of a watercourse, it shall, without prejudice to the provisions of paragraph 2, be permanently defined by the position of the centre line of the watercourse as originally established by the Frontier Delimitation Commission on the basis of surveys, without regard to any subsequent changes in the watercourse; this shall apply, in particular, to the frontier sector of the Drau (Drava).

(2) Changes in the course of the Mur (Mura) subsequent to 25 November 1962 shall not affect the course of the State frontier.

Article 5

Where the Frontier Delimitation Commission has fixed the State frontier on the Jelenbach (Jelen potok) (frontier sector XIX) along the latter's right bank, it shall be permanently defined by the position of the bank at the time of delimitation, without regard to any subsequent changes in the said bank.

Article 6

(1) The Contracting States shall, where this is not contrary to the fundamental interests of water economy, take appropriate steps to ensure that, without prejudice to the provisions of article 7, the banks of the watercourses referred to in article 4, paragraph 1, and article 5 remain, in the frontier sectors, in the position originally determined by the Frontier Delimitation Commission. This provision shall not apply to the frontier sector of the Drau (Drava) so long as it is situated in the storage area of the Dravograd hydroelectric station.

(2) The Contracting States shall, in addition, take appropriate steps to ensure that the banks of the Mur (Mura) remain, in the frontier sector, in the same position as on 25 November 1962.

Article 7

The Contracting States shall, upon the completion of the projected regulatory work on the Kutschenitza (Kučnica), enter into negotiations concerning an alteration in the course of the State frontier in that area.

PART III

SURVEYING AND MARKING OF THE STATE FRONTIER

Article 8

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

Article 9

(1) Each Contracting State shall make available at its own expense the surveyors and auxiliary personnel required for the purpose of surveying and marking the entire State frontier, irrespective of the frontier sector concerned.

(2) Without prejudice to the provisions of paragraph 1, of article 16, paragraph 2, and of article 25, the required materials, labour, vehicles and equipment (machinery, tools, measuring instruments and the like) shall be made available at its own expense :

- (a) In frontier sectors I to VII, with the exception of the right bank of the Mur (Mura), in frontier sectors XXII to XXVII and on the left bank of the Drau (Drava), by the Republic of Austria;
- (b) On the right bank of the Mur (Mura) and in frontier sectors VIII to XXI, with the exception of the left bank of the Drau (Drava), by the Socialist Federal Republic of Yugoslavia.

(3) The specialized personnel and labour referred to in paragraphs 1 and 2 may be either civilians or uniformed military personnel; they may not carry weapons and must be nationals of the Contracting State by which they are employed.

Article 10

Without prejudice to the provisions of article 11, the Contracting States shall, beginning in 1966, make periodic checks of the frontier marks every six years and, when necessary, repair, replace or supplement the said marks.

Article 11

(1) Where absolutely essential in order to ensure that the course of the State frontier is clearly visible, appropriate surveying and marking operations shall be undertaken even if a periodic check (article 10) is not in progress.

(2) In addition, where one of the Contracting States contends that frontier marks have been moved, the Contracting States shall, even if a periodic check is not in progress, verify as promptly as possible whether the marks are exactly in place and, if they are not, place them in their correct locations.

Article 12

(1) When a periodic check (article 10) is made, it shall be determined whether any portion of the frontier line which previously ran over land now runs over water as a result of changes which have occurred since the last periodic check and whether frontier sectors which were previously water sectors have become land sectors; in such cases, records and supplementary field sketches (article 27) shall be prepared concerning the matter.

(2) In the event of major natural changes which occur suddenly, either Contracting State may request an inspection of the portion of the State frontier concerned even if a periodic check is not in progress.

Article 13

Where need arises to restore the frontier stones at the three-State frontier points, the Contracting States shall, for that purpose, come to an agreement with the third State concerned.

Article 14

The triangulation and polygonal points required for the purpose of surveying the 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 ensure that the State frontier remains visible.

Article 15

The owners of land, bridges, mines, tunnels 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.