

II

Treaties and international agreements

filed and recorded

from 28 March 1979 to 8 August 1979

No. 838

Traités et accords internationaux

classés et inscrits au répertoire

du 28 mars 1979 au 8 août 1979

Nº 838

No. 838

FRANCE
and
SPAIN

Treaty delimiting the frontier from the mouth of the Bidassoa to the point where the Department of Basses-Pyrenees adjoins Aragon and Navarra. Signed at Bayonne on 2 December 1856

Convention supplementary to the above-mentioned Treaty. Signed at Bayonne on 28 December 1858

Authentic texts: French and Spanish.

Filed and recorded at the request of France on 31 July 1979.

FRANCE
et
ESPAGNE

Traité pour déterminer la frontière depuis l'embouchure de la Bidassoa jusqu'au point où confinent le Département des Basses-Pyrénées, l'Aragon et la Navarre. Signé à Bayonne le 2 décembre 1856

Convention additionnelle au Traité susmentionné. Signée à Bayonne le 28 décembre 1858

Textes authentiques : français et espagnol.

Classés et inscrits au répertoire à la demande de la France le 31 juillet 1979.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN FRANCE AND SPAIN DELIMITING THE FRONTIER FROM THE MOUTH OF THE BIDASSOA TO THE POINT WHERE THE DEPARTMENT OF BASSES-PYRENEES ADJOINS ARAGON AND NAVARRA

H.M. the Emperor of the French and H.M. the Queen of Spain, desiring to consolidate and maintain peace and harmony between the populations of the two States living on each side of that part of the frontier extending from the summit of Analarra, where the Department of Basses-Pyrenees adjoins Aragon and Navarra, to the mouth of the Bidassoa, in the Figuer (Higuer) roadstead, and to prevent any resumption of the regrettable disputes which, until these negotiations were initiated, arose at different times at several points on this frontier because of the uncertainty which prevailed hitherto concerning the ownership of certain territories and the enjoyment of certain privileges which the frontier inhabitants of each country claimed as theirs alone, and considering that, in order to attain the desired goal, they needed to determine clearly the rights of the frontier populations and the limits of the two territories from the eastern end of Navarra to the Figuer (Higuer) roadsteads in a special treaty, to which agreements about the rest of the frontier from the Analarra summit to the Mediterranean will have to be added later, have designated for this purpose:

His Majesty the Emperor of the French, Jean Baptiste Louis, Baron Gros, Minister Plenipotentiary, Commander of the Imperial Order of the Legion of Honour, Grand Cross of the Order of the Saviour of Greece, Commander of the Order of the Conception of Portugal . . .

And Camille Antoine Callier, Brigadier General, Commander of the Imperial Order of the Legion of Honour, of the Red Eagle of Prussia, of St. Gregory the Great of the Nichan Iftijar of Turkey . . .

And Her Majesty the Queen of Spain, Don Francisco María Marín, Knight Grand Cross of the Royal Order of Isabel the Catholic, Commander with plaque of the Royal Order of Charles III, Knight of the Military Order of St. John of Jerusalem, Commander of the Legion of Honour of France, Commander of the Order of Christ of Portugal, holder of the Nichan second class, in brilliants, of Turkey, Minister Plenipotentiary, Duty Majordomo of the week of His Catholic Majesty . . .

And Don Manuel de Monteverde y Bethancourt, Field Marshal of the National Armies, Knight Grand Cross of the Royal and Military Order of St. Hermenegilde and of Isabel the Catholic, twice holder of a Knighthood in the Royal and Military Order of St. Ferdinand, holder of several crosses for feats of war, member of the Royal Academy of Sciences of Madrid . . .

who, having exchanged their full powers, found in good and due form, having studied the ancient deeds, demarcation decisions, agreements on common pasture

¹ Came into force on 12 August 1857 by the exchange of the instruments of ratification, which took place at Paris, in accordance with article 29, with effect from 16 April 1859, i.e., 15 days after the entry into force (on 1 April 1859) of annex V of the Convention of 28 December 1858 supplementary to the above-mentioned Treaty, in accordance with article 10 of the Treaty and the provisions of annex V.

and joint grazing treaties and other documents submitted by each side in support of the rights, privileges and entitlements they claim, having heard in person the representatives of the communes concerned, having examined the validity of their claims and established their respective rights, having, finally, as far as possible sought to reconcile private interests with political interests, taking into account ancient rights, the granting of which, in some cases, dates back to before the separation of the two Navarres, have agreed on the following articles:

Article 1. The line separating the territory of the French Empire from that of the Kingdom of Spain from the point where the department of Basses-Pyrenees adjoins Aragon and Navarra to the mouth of the Bidassoa in the Figuer (Higuer) roadstead shall start at the Analarra summit and continue along the mountain tops via Murlon and the Arlas peak to the Saint-Martin (San Martín) stone, also known as the Béarn (Bearne) marker, in accordance with the existing demarcation.

Article 2. From the Saint-Martin stone, the frontier shall run to the Eraïsé (Eraice) summit and the pass of the same name in the main chain of the Pyrenees, the summits of which it shall follow via Lacura, Urdaité, the Guimbeleta pass and the Belay pass to Barcetaigoitia (Barceta Goitia) or Baracea-la-alta, in accordance with the demarcation for this part of the frontier agreed on in 1695 between the authorities of the Soule Valley in France and the Roncal valley in Spain.

Article 3. From Barcetaigoitia (Barceta Goitia) or Baracea-la-alta, the dividing line shall follow the range formed by the Ochogorria, Mulidoya, Iparbacochoa, Ory and Alupena summits.

Article 4. After the Alupena rock, the frontier shall leave the main range of the Pyrenees and continue, along the line which already exists today, towards the Erraca-idor (Erreca-idorra) or dry stream, and shall follow the course of this stream to the point where it enters the Urbelcha.

Article 5. From the confluence of the Erreca-idor and the Urbelcha, the frontier shall ascend the Urbelcha to the point where it meets the continuation of the Aunside range, it shall follow this range to the point closest to the source of the Contracharo (Contracharro) stream, and then descend the Contracharo to its confluence with the Uratsaguy (Ugasaguía) and follow that stream down to its confluence with the Egurguy (Egurgoa).

Article 6. From the confluence of the Uratsaguy and Egurguy, the frontier, in accordance with the demarcation decision reached in 1556 between the authorities of the Cise valley in France and those of Aezcoa valley in Spain, shall ascend the Egurguy and then the Bagachea or Igoa streams and then, via the Erosaté (Eroizate) sel or sheep-fold, Arlepoa, Pagartea, Iparraguerre (Iparraguirre), Zalvetea, Orgambidea, Idopil, Lecea and Urcullu, shall reach the Iriburieta or Iasaldea (Jasaldea) pass.

Article 7. From the Iriburieta pass the dividing line shall continue over the Bentarté (Bentartea) pass to the source of the Orellaco-erreca, and descend that stream to where it joins the Valcarlos stream, which it shall follow to Pertolécoburria (Pertole), situated a little below the village of Arneguy (Arnegui).

At Pertolécoburria the frontier shall turn westwards towards the Mendimocha summit, and then climb southwards over the range separating Valcarlos from the Aldudes (Alduides) valley, to Lindus-balsacoa. From there it shall continue to Lindusmunua and then follow a straight line to the Isterbeguy (Izterbegui) peak and another

straight line to Beorzubustan (Beorzubuztan) and then follow the mountain tops to the Ispeguy (Izpegui) pass.

Article 8. After the Ispeguy pass, the frontier shall follow the international demarcation of 1787. Thus, it shall continue towards Iparla mountain via the range separating the Baigorri and Bastan (Baztan) valleys, and then proceed to Fagadi via the peaks of Irusquieta and Gorospil; from Fagadi it shall run southwards via Anatarbé mountain and shall follow the course of the stream of the same name and that of the Otsabialo stream to the latter's source. From there to Chapitelacoarria, situated on the right bank of the Bidassoa a little below Andarlasa (Endarlaza), it shall almost invariably follow the watershed between the five towns of Navarre on one side and Saint-Jean-de-Luz (San Juan De Luz) on the other.

Article 9. From Chapitelacoarria to the mouth of the Bidassoa, in the Figuer roadstead, the mid-point of the main channel of this river at low tide shall constitute the line separating the two territories, without altering the existing nationality of the islands, so that Faisans (Faisanes) island shall continue to belong to both nations.

Article 10. In order to avoid any misunderstanding and above all to avoid any disputes which might arise between the frontier inhabitants of the two territories regarding the frontier line, the main points of which are indicated in the preceding articles, it is agreed that in order to determine this line and protect it from any change which might arise in the course of time, markers shall be placed as soon as possible along the entire length of the demarcation line, with the assistance of representatives of the French and Spanish communes concerned, and that the demarcation records, duly legalized, shall be annexed to this Treaty so that their provisions have the same force and value as if they had been incorporated in the text.

Article 11. In order to preserve the markers which are to indicate the international frontier specified in the preceding articles, it is agreed that the frontier municipal authorities of the two countries, under the supervision of the higher civil authorities, shall each take the steps they deem appropriate to replace markers which have been destroyed or removed and punish those responsible. Furthermore, every August a joint inspection of the entire frontier line shall be carried out by the representatives of the frontier inhabitants of each State: a report, drawn up by mutual agreement, shall be sent to the competent higher authorities of each State so that the authorities are informed precisely of the way in which the agreed regulations have been observed.

Article 12. Since the dividing line specified in the preceding articles follows streams or paths in several parts of its course and passes a number of springs, it is hereby agreed that these streams, springs and paths shall be owned jointly and that livestock and inhabitants on each side of the frontier shall be free to use them.

Article 13. Since permanent common pasture or joint grazing arrangements between the frontier inhabitants of the two countries have often been prejudicial to tranquility and harmony on the frontier, it is hereby agreed that the agreements to this effect which used to exist or still exist today by virtue of ancient decisions or treaties shall be abolished and declared null and void as of the first day of January following the entry into force of this Treaty; it is expressly