



**PUBLIC INTERNATIONAL LAW & POLICY GROUP**

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# **RESOLVING BORDERS**

**Peace Agreement Drafter's Handbook**

**Prepared by**

**The Public International Law & Policy Group**

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## USER'S GUIDE

The Public International Law & Policy Group's (PILPG) Peace Agreement Drafter's Handbook is a comprehensive guide on how to draft a peace agreement based upon comparative analysis of over sixty peace agreements in the past thirty years. This Handbook is intended to assist drafters, mediators, negotiators, and anyone else interested in the substantive and practical contents contained in peace agreements. The Handbook is designed to facilitate drafting peace agreements quickly, efficiently, and effectively.

The Handbook sets out for the drafter the essential components found in the majority of peace agreements since approximately sixty to seventy percent of all peace agreements draw on similar elements and language. However, every conflict is unique and the drafter may have to make adjustments to certain elements to enhance the agreement's relevancy and applicability to a particular conflict. Therefore, each chapter should be considered as ad hoc and reshaping the new agreement to address the nuances of each party's needs will be necessary. Similarly, the comparative provisions and sample language provided in the Handbook are by no means exclusive, recommended, or mandatory. The purpose of the Handbook is to assist a drafter prepare a well-crafted agreement and enhance the durability of future agreements by drawing upon the best practices from prior agreements.

The Handbook consists of several chapters all following the same basic format. Each chapter focuses on a particular section commonly found in peace agreements such as ceasefires, economic restructuring, and property restitution. Each chapter first identifies the basic elements in that particular section of a peace agreement. For example, in ceasefires, the basic elements include the identification and definition of prohibited acts, separation of forces, and verification, supervision, and monitoring. The primary notes found in each chapter provide a brief overview of a specific element. These elements are then addressed through comparative analysis. The analysis provides for the drafter language found in other peace agreements from which the most relevant to the drafter's conflict can be selected. Each section then concludes with sample language.

*Contributors:* Jason Maddux, Melissa Mandor, Elizabeth Matthew, Bridget Mazour, Melanie Nakagawa, John A. Schwenk & Meghan Stewart

*Editor:* Melanie Nakagawa

## **Executive Summary**

Border disputes arise in a variety of contexts, such as internationally between neighboring states, or domestically between groups or regions within a state. These disputes can be the result of a specific conflict or can arise from historical circumstances. Whatever the reason, border disputes can negatively affect important matters such as trade, transportation, and security.

Effective and lasting border agreements take into account factors specific to the disputed area. These factors may include ethnic divides, geographic considerations, traditional borders, religious access, trade routes, and access to natural resources. While there is no universal remedy for border disputes, effective border agreements share many common elements.

In general, there are seven elements found most often in border agreements. The first is a preamble followed by six provisions addressing delineation of the border, security and normalization, monitoring mechanisms, dispute resolution, natural resources, and financial arrangements. A border agreement is by no means limited to these provisions. The analysis in this template provides a comparative look at state practices used in border agreements and offers sample language.

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[http://www.usip.org/library/pa/bosnia/dayton\\_gfa.html](http://www.usip.org/library/pa/bosnia/dayton_gfa.html)

BOUGAINVILLE, Bougainville Peace Agreement, 30 August 2001 (Bougainville Agreement)

[http://www.usip.org/library/pa/bougainville/bougain\\_20010830.html](http://www.usip.org/library/pa/bougainville/bougain_20010830.html)

DEMOCRATIC REPUBLIC OF CONGO, Lusaka Agreement, Annex A, Chapter 12, Normalization of the Security Situation Along the Common Borders Between The Democratic Republic of Congo and its Neighbors, 10 July 1999 (Democratic Republic of Congo-Lusaka Agreement)

[http://www.usip.org/library/pa/drc/drc\\_07101999.html - ch12](http://www.usip.org/library/pa/drc/drc_07101999.html - ch12)

ECUADOR and PERU, The Ecuador-Peru Rio Protocol, 29 January 1942 (Ecuador-Peru Rio Protocol)

[http://www.usip.org/library/pa/ep/ep\\_rio01291942.html](http://www.usip.org/library/pa/ep/ep_rio01291942.html)

ECUADOR and PERU, Comprehensive Agreement Between Peru and Ecuador on Border Integration, Development and Coexistence, 26 October 1998 (Ecuador - Peru Comprehensive Agreement)

[http://www.usip.org/library/pa/ep/ep\\_brasilia10261998.html](http://www.usip.org/library/pa/ep/ep_brasilia10261998.html) (Spanish)

ETHIOPIA and ERITREA, Agreement between the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, Article 4, 12 December 2000 (Ethiopia - Eritrea Agreement)

[http://www.usip.org/library/pa/eritrea\\_ethiopia/eritrea\\_ethiopia\\_12122000.html](http://www.usip.org/library/pa/eritrea_ethiopia/eritrea_ethiopia_12122000.html)

SOMALIA, Addis Ababa Agreement, 27 March 1993 (Somalia Agreement)

[http://www.usip.org/library/pa/somalia/somalia\\_03271993.html](http://www.usip.org/library/pa/somalia/somalia_03271993.html)

SUDAN, 5 June 2004. The Nairobi Declaration on the Final Phase of Peace in Sudan (Sudan Agreement)

[http://www.usip.org/library/pa/sudan/pa\\_sudan.html](http://www.usip.org/library/pa/sudan/pa_sudan.html) (links to PDF versions of the series of agreements)

YEMEN and SAUDIA ARABIA, Treaty of Jeddah, 12 June 2000 (Yemen-Saudia Arabia Jeddah Agreement)

## BASIC ELEMENTS

Effective border agreements share many substantive similarities. They often use specific language and address contentious issues in order to eliminate objections and ambiguities which may later give rise to renewed dispute. While previous agreements contain unique nuances, there are generally seven basic elements addressed in border agreements. These elements are an introduction or preamble, provisions delineating, securing, monitoring the border, provisions addressing a dispute settlement process, and natural resources affected by the border.

### Basic Elements

**Introduction/Preamble:** The purpose of a preamble is to acknowledge the parties commitment to resolving the border dispute. The preamble also sets forth the principles and goals of the parties. Sometimes the preamble cites to international agreements or previous commitments entered into by the parties.

**Delineating the Border:** Provisions delineating the border are critical to any border agreement since all agreements either describe the location of the border or address what party, organization, or person will establish the border at a future point in time. Most agreements contain provisions in the event the border demarcations, as described in the agreement or by the established border committee, prove to be impractical or contentious.

**Security and Normalization:** Border agreements often address border security and a separation of forces along the border. Usually, the mechanics and specifics of a separation of forces or disarmament are addressed in other parts of a peace agreement. Therefore, this provision tends to focus on security and normalization measures along the border. A short provision often suffices for the mechanics of dividing the parties and military forces. This provision also tends to address the type of permitted movement along the border for various types of non-military transport, from people, goods, and vehicles.

**Monitoring Mechanisms:** Monitoring organizations or border commissions are used to determine a border and to facilitate negotiations between parties where a border has not been determined. In these agreements the language establishing a border commission addresses who the commission is comprised of, who heads the commission, the powers of the commission and its members, and a tentative timeframe for the commission to issue its judgment. For the purposes of securing

the border, border agreements generally designate a responsible organization to monitor and secure the border.

**Dispute Resolution:** Most agreements contain a dispute resolution system, such as arbitration or mediation, for problems that arise from provisions within the border agreement or generally with the border itself. In agreements which establish a monitoring mechanism, the dispute resolution provisions tend to involve this mechanism. In agreements without a monitoring system, an international organization is often enlisted to serve as a neutral arbiter or mediator.

**Natural Resources:** If natural resources, such as rivers, are an issue near the border, these agreements contain provisions addressing the resource. These stipulations range from regulations on the resource to provisions for if and when the resource physically changes.

**Financial Arrangements:** Border agreements can provide for the disbursement or allocation of funds for the agreement's various provisions or established organizations (i.e. border commissions). The allocation of funding is often used to facilitate a resolution to the border dispute. In previous agreements, these funds were either supplied by the international community or shared between the parties and used for providing security and monitoring forces along the border. Some agreements contain extensive provisions regarding the financial arrangements for a border dispute.

**Unique Provisions:** Border agreements also contain miscellaneous provisions for a given situation or border conflict. In general there is little replication of these provisions from one agreement to the next.

Each of the above sections is discussed in greater detail below.

## COMPARATIVE ANALYSIS

### Introduction/Preamble

**Primary Note:** The purpose of a preamble is to acknowledge the parties' commitment to resolving the border dispute. The preamble also sets forth the principles and goals of the parties. Sometimes the preamble cites to international agreements or previous commitments entered into by the parties.

Border agreements which are part of a comprehensive treaty generally include only introductory provisions and acknowledgements, while agreements whose borders are the center of the conflict and the focus of the peace agreement include their own preamble.

**Note:** The Ecuador-Peru Rio Protocol's (1942) preamble provides a brief description of the Parties' goal to settle the boundary dispute. The preamble also cites to an agreement made between the Parties stipulating that Argentina, Brazil, Chile and the United States would be the guarantors of the agreement. In this capacity, these countries would oversee and mediate the agreement.

#### The Ecuador-Peru Rio Protocol, Preamble

The Governments of Peru and Ecuador, desiring to settle the boundary dispute which, over a long period of time, has separated them, and taking into consideration the offer which was made to them by the Governments of the United States of America, of the Argentine Republic, of the United States of Brazil, and of Chile, of their friendly services to seek a prompt and honorable solution to the program, and moved by the American spirit which prevails in the Third Consultative Meeting of the Ministers of Foreign Affairs of the American Republics, have resolved to conclude a protocol of peace, friendship, and boundaries in the presence of the representatives of those four friendly Governments. To this end, the following plenipotentiaries take part:

For the Republic of Peru, Doctor Alfredo Solf y Muro, Minister of Foreign Affairs; and

For the Republic of Ecuador, Doctor Julio Tobar Donoso, Minister of Foreign Affairs;

Who, after having exhibited the respective full powers of the parties, and having found them in good and due form, agree to the signing of the following protocol.

**Note:** The Ecuador-Peru Comprehensive Agreement (1998), unlike its predecessor, the Ecuador-Peru Rio Protocol, contains a preamble that thoroughly details the various goals of the Parties, including a desire to promote trade, protect human rights, and facilitate economic and social development.

Ecuador-Peru Comprehensive Agreement, Preamble

The governments of the Republic of Peru and the Republic of Ecuador;

ACKNOWLEDGING the aspirations of both peoples, that their relations develop permanently within an atmosphere of peace, goodwill, understanding and cooperation that will enable the development to their full potential of the rich and diverse ties that unite them in terms of tradition, history, culture and resources;

ASSURED that the new relationship which both countries are embarking upon will offer promising prospects of progress for both the Peruvian and Ecuadorian people through the integration and cooperation that will ensure peace and progress between the two countries;

PERSUADED that said cooperation will facilitate economic and social development whilst integrating both peoples, contributing towards improving their quality of life and the prospects of progress for future generations;

CONSIDERING that border populations and their authorities and institutions must become principle players in the integration and cooperation of border zones, promoting both development and fruitful friendship relationships between their people;

CONSCIOUS of the need to modernize and perfect existing mechanisms between both nations in order to promote cooperation and bilateral integration and facilitate the transit and circulation of people, goods and means of transportation between both countries;

AFFIRMING that promoting, respecting and protecting human rights constitutes a fundamental requirement for border integration between Peru and Ecuador that will satisfy the aspirations of both peoples;

CONVINCED of the importance of harmonizing policies of development, and in order to use sustainable resources along the shared borders that will permit the preservation and protection of the bio-diversity and the rational use of common resources and determined to support the sustainable development of native communities along the border, thus strengthening their cultural identity;

AND COMPLYING with the will expressed at the “Brasilia Declaration” of November 26, 1997, and the timetable for its implementation

**Note:** The Democratic Republic of Congo-Lusaka Agreement’s preamble predominantly consists of references to international agreements. These references set out the Parties’ detailed goals.

Democratic Republic of Congo-Lusaka Agreement, Preamble

We the Parties to this Agreement;

CONSIDERING Article 52 of the UN Charter on regional arrangements for dealing with matters relating to the maintenance of international peace and security as are appropriate for regional action;

REAFFIRMING the provisions of Article 3 of the OAU Charter which, inter alia, guarantee all Member States the right to their sovereignty and territorial integrity;

REAFFIRMING further Resolution AHG/16/1 adopted by the OAU Assembly of Heads of State and Government in 1964 in Cairo, Egypt, on territorial integrity and the inviolability of national boundaries as inherited at independence.

RECALLING the Pretoria Summit Communique dated 23rd August, 1998 re-affirming that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens.

DETERMINED to ensure the respect, by all Parties signatory to this Agreement, for the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, as reiterated at the Entebbe Regional Summit of 25 March, 1998;

DETERMINED further to put to an immediate halt to any assistance, collaboration or giving of sanctuary to negative forces bent on destabilising neighbouring countries;

EMPHASISING the need to ensure that the principles of good neighbourliness and non-interference in the internal affairs of other countries are respected;

CONCERNED about the conflict in the Democratic Republic of Congo and its negative impact on the country and other countries in the Great Lakes Region;

REITERATING the call made at the Second Victoria Falls Summit held from 7 to 8 September, 1998, as contained in the Joint Communique of the Summit, for the immediate cessation of hostilities;

COGNISANT of the fact that addressing the security concerns of the DRC and neighbouring countries is central and would contribute to the peace process;

RECALLING the mandate, contained in the Victoria Falls II Joint Communique, given to the Ministers of Defence and other officials working in close cooperation with the OAU and the UN to establish the modalities for effecting an immediate ceasefire and put in place a mechanism for monitoring compliance with the ceasefire provisions;

RECALLING the United Nations Security Council Resolution 1234 of 9 April, 1999 and all other Resolutions and Decisions on the DRC since 2 August, 1998.

RECALLING further the Summit meetings of Victoria Falls I and II, Pretoria, Durban, Port Louis, Nairobi, Windhoek, Dodoma and and the Lusaka and Gaborone Ministerial peace efforts on the DRC conflict;

RECALLING further the Peace Agreement signed on 18 April, 1999 at Sirte (Libya);

RECOGNISING that the conflict in the DRC has both internal and external dimensions that require intra-Congolese political negotiations and commitment of the Parties to the implementation of this Agreement to resolve;

TAKING note of the commitment of the Congolese Government, the RCD, the MLC and all other Congolese political and civil organisations to hold an all inclusive National Dialogue aimed at realising national reconciliation and a new political dispensation in the DRC;

**Note:** The Ethiopia-Eritrea Agreement's preamble, similar to the Democratic Republic of Congo-Lusaka Agreement, references international agreements.

Ethiopia-Eritrea Agreement, Preamble

The Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea (the "parties"),

Reaffirming their acceptance of the Organization of African Unity ("OAU") Framework Agreement and the Modalities for its Implementation, which have been endorsed by the 35th ordinary session of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999,

Recommitting themselves to the Agreement on Cessation of Hostilities, signed in Algiers on 18 June 2000,

Welcoming the commitment of the OAU and United Nations, through their endorsement of the Framework Agreement and Agreement on Cessation of Hostilities, to work closely with the international community to mobilize resources for the resettlement of displaced persons, as well as rehabilitation and peace building in both countries,

**Sample Language: Preamble**

Recognizing the need to peacefully resolve the conflict regarding border placement, and resolved to finding a solution acceptable to both parties, the comprehensive agreement shall have the following objectives:

To ensure that a mutually respected border is established, recognized, and observed.

To provide for a mechanism for deciding and ensuring that the determined border is representative of the parties involved, keeping in mind the need for neighborliness and coexistence.

To ensure that the parties will adhere to the decisions within this agreement [*insert other core principles*] [*insert relevant treaties*] [*insert other commitments*], and for all parties to exhibit a commitment to the peaceful resolution of all issues related to border demarcation.

[*Insert reference to applicable international treaties or relevant previous commitments between the parties to the border agreement*]

## Delineating the Border

**Primary Note:** Provisions delineating the border are critical to any border agreement. All agreements either describe the location of the border or address what party, organization, or person will establish the border at a future point in time. This provision is often well drafted to prevent any ambiguities to the exact placement of the border or the process through which the border lines are established. Most agreements contain provisions in the event the border demarcations, as described in the agreement or by the established border committee, prove to be impractical or contentious.

The status of the border at the time of negotiations has determined the type of provisions used to establish the exact border delineation. In situations where the parties already agreed on the location of the border, a detailed and explicit provision records the exact position. Some agreements use natural landmarks such as bodies of water or mountains, while others use coordinates, to outline the boundary. In agreements where the parties have not agreed upon the location for the borders; these agreements outlined a process for delineation and demarcation which often involved the international community.

**Note:** The Ecuador-Peru Rio Protocol illustrates language for detailed border delineation. The agreement between Ecuador and Peru uses rivers and other bodies of water to describe boundary lines. In addition, this provision outlines a procedure in the event that the boundary line described is not feasible due to geographic conditions, and lists countries outside the dispute that would collaborate to rectify this situation.

### Ecuador-Peru Rio Protocol, Articles 8 - 9

The boundary line shall follow the points named below:

In the west:

The mouth of the Capones in the ocean;  
 The Zarumilla River and the Balsamal or Lajas Quebrada;  
 The Puyango or Tumbes River to the Quebrada de Cazaderos;  
 Cazaderos;  
 The Quebrada de Pilares y del Alamor to the Chira River;  
 The Chira River, upstream;

The Macará, Calvas, and Espíndola Rivers, upstream, to the sources of the last mentioned in the Nudo de Sabanillas;  
From the Nudo de Sabanillas to the Canchis River;  
Along the whole course of the Canchis River, downstream;  
The Chinchipe River, downstream, to the point at which it receives the San Francisco River.

In the east:

From the Quebrada de San Francisco, the watershed between the Zamora and Santiago Rivers, to the confluence of the Santiago River with the Yaupi;  
A line to the outlet of the Bobonaza into the Pastaza. The confluence of the Conambo River with the Pintoyacu in the Tigre River;  
Outlet of the Cononaco into the Curaray, downstream, to Bellavista;  
A line to the outlet of the Yasuní into the Napo River. Along the Napo, downstream, to the mouth of the Aguarico;  
Along the latter, upstream, to the confluence of the Lagartococha or Zancudo River with the aguarico;  
The Lagartococha or Zancudo River, upstream, to its sources and from there a straight line meeting the G, epÌ River and along this river to its outlet into the Putumayo, and along the Putumayo upstream to the boundary of Ecuador and Colombia.

It is understood that the line above described shall be accepted by Peru and Ecuador for the demarcation of the boundary between the two countries, by technical experts, on the grounds. The parties may, however, when the line is being laid out on the ground, grant such reciprocal concessions as they may consider advisable in order to adjust the aforesaid line to geographical realities. These rectifications shall be made with the collaboration of the representatives of the United States of America, the Argentine Republic, Brazil, and Chile.

**Note:** The Yemen-Saudi-Arabia Jeddah Agreement consists of explicit language to describe delimitation and demarcation. The agreement between Yemen and Saudi Arabia predominately uses coordinates to accurately describe a series of boundary lines. Some of these coordinates are listed within the body of the agreement language, while others are contained in

annexed maps. The Yemen-Saudi-Arabia Jeddah Agreement, like the Ecuador-Peru Rio Protocol, also provides a procedure in the event a boundary line is not viable.

Yemen-Saudi-Arabia Jeddah Agreement, Articles 1 -3

The two contracting parties confirm imperativeness and legality of Taif treaty and its annexes, including the borders reports annexed to it. They also confirm their commitment to the memorandum of understanding signed by the two countries on 27 Ramadhan H.D. 1415.

The final and permanent borderline between the Republic of Yemen and the Kingdom of Saudi Arabia is delineated as follows:

Part one: This part begins from the coastal mark on the Red Sea (wharf Ras Al-Mua'j Shami of Radif Qarad outlet), its coordinates are: parallel (8, 14, 24, 16) north and longitude(7, 19, 46, 42) east, ending at the sign of Tha'r mountain, coordinates (58, 21, 44) east, and (00, 26, 17) north, its details are shown by coordinates contained in annex No. (1). Identity of villages situated on course of this part of the borderline is defined according to what had been stipulated in Taif treaty and its annexes, including their tribal affiliation. In case any of the coordinates is located in position or positions of a village or villages of one of the parties, the reference for proving to which party this village or villages belong, will be their affiliation of one of the two parties. The course of the borderline will be modified accordingly, while fixing the border signs.

Part two is that of the borderline that has not been delineated yet. The two contracting sides have agreed to demarcate this part in a peaceful way. It starts from Al-Tha'r mountain, coordinates of which defined above, and ends at the geographic locality point at the conjunction of north parallel 19 with east longitude 52, and its details mentioned in coordinates in annex No. 2.

Part three: It is the part pertaining to the sea borders starting from the land sign on the sea coast (Ras Al-Mua'j Shami wharf of Rdif Qarad outlet), coordinates defined above, and ending by the end of sea borders of the two countries. Its details are illustrated by coordinates in annex No. 3.

**Note:** The Bosnia Agreement, unlike other agreements, provides guidance for adjustments to the inter-entity boundary line. The general border provision requires the Parties to notify the multinational implementation force of any mutually agreed upon adjustments to the Inter-Entity Boundary Line.

Bosnia Agreement, Annex 2, Article 2

Adjustment by the Parties

The Parties may adjust the Inter-Entity Boundary Line only by mutual consent. During the period in which the multinational military Implementation Force ("IFOR") is deployed pursuant to Annex 1-A to the General Framework Agreement, the Parties shall consult with the IFOR Commander prior to making any agreed adjustment and shall provide notification of such adjustment to the IFOR Commander.

**Note:** The Bosnia Agreement also sets out explicit delineation and marking provisions. These provisions use a map to mark the location for the Inter-entity boundary line, the Inter-entity zone of separation, the ceasefire line and its zone of separation.

Bosnia Agreement, Annex 2, Article 4

Delineation and Marking

The line on the 1:50,000 scale map to be provided for the Appendix delineating the Inter-Entity Boundary Line, and the lines on the 1:50,000 scale map to be provided for Appendix A to Annex 1-A delineating the Inter-Entity Zone of Separation and the Agreed Cease-Fire Line and its Zone of Separation, which are accepted by the Parties as controlling and definitive, are accurate to within approximately 50 meters. During the period in which the IFOR is deployed, the IFOR Commander

shall have the right to determine, after consultation with the Parties, the exact delineation of such Lines and Zones, provided that with respect to Sarajevo the IFOR Commander shall have the right to adjust the Zone of Separation as necessary.

The Lines and Zones described above may be marked by representatives of the Parties in coordination with and under the supervision of the IFOR. Final authority for placement of such markers shall rest with the IFOR. These Lines and Zones are defined by the maps and documents agreed to by the Parties and not by the physical location of markers.

Following entry into force of this Agreement, the Parties shall form a joint commission, comprised of an equal number of representatives from each Party, to prepare an agreed technical document containing a precise description of the Inter-Entity Boundary Line. Any such document prepared during the period in which the IFOR is deployed shall be subject to the approval of the IFOR Commander.

**Note:** The Ethiopia-Eritrea Agreement provides provisions detailing the process through which the Committee, composed of nationals and jointly-appointed non-national President, will delineate the border.

Ethiopia-Eritrea Agreement, Article 4, Numbers 2 – 16

The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions *ex aequo et bono*.

**Sample Language: Border Delineation Option 1**

The [*temporary, final, or permanent*] boundary line shall follow the points delineated below:

[*Insert coordinates for boundary line*]

The boundary line is also defined by the following physical landscape features:

*[Insert relevant rivers, mountain ranges, etc, to demarcate the border]*

The Parties may adjust the border demarcation only by mutual consent.

*[Where applicable, include consultation with relevant international organizations prior to and during adjustments to the border.]*

### **Sample Language: Border Delineation Option 2**

Where the Parties have not or are unable to delineate a distinct border:

All parties are committed to a determining a final border delineation and shall invoke the authority of *[insert relevant authority]* to facilitate this process.

This *[insert relevant authority]*, in consultation with the Parties and applying international law, will establish a border.

## **Security and Normalization**

**Primary Note:** Border agreements often address border security and a separation of forces along the border. Usually, the mechanics and specifics of a separation of forces or disarmament are addressed in other parts of a peace agreement. Therefore, this provision tends to focus on security and normalization measures along the border. A short provision often suffices for the mechanics of dividing the parties and military forces. This provision also tends to address the type of permitted movement along the border for various types of non-military transport, from people, goods, and vehicles.

**Note:** The Democratic Republic of Congo-Lusaka Agreement clearly lays out its mechanisms for border oversight, the mandate which each State Party agrees to take on, and the goals of the agreement (namely stemming the flow of illicit arms and armed militia across the border).

Democratic Republic of Congo-Lusaka Agreement, Article 3, Number 17

The Parties to the Agreement shall take all necessary measures aimed at securing the normalisation of the situation along the international borders of the Democratic Republic of Congo, including the control of illicit trafficking of arms and the infiltration of armed groups.

Democratic Republic of Congo-Lusaka Agreement, Annex 1, Chapter 12

Normalisation of the security situation along the common borders between the Democratic Republic of Congo and its neighbours requires each country:

Not to arm, train, harbour on its territory, or render any form of support to subversive elements or armed opposition movements for the purpose of destabilising the others;

To report all strange or hostile movements detected by either country along the common borders;

To identify and evaluate border problems and cooperate in defining methods to peacefully solve them,

To address the problem of armed groups in the Democratic Republic of Congo in accordance with the terms of the Agreement.

**Note:** The Yemen-Saudia Arabia Jeddah Agreement provision requires the removal military outposts from a specified distance from the boundary, in an attempt to normalize the border area.

The Yemen-Saudia Arabia Jeddah Agreement, Article 4

The two contracting parties confirm their commitment to article 5 of Taif agreement with respect to evacuation of any military position along the borderline stationed at a distance less than 5 kilometers from the borderline. This is in accordance with border reports annexed to Taif pact. As for the not yet delineated borderline, starting from Al-Tha'r mountain to the junction point of north parallel 19 with east longitude 52, it is decided by provisions of annex No. 4, enclosed with this treaty.

**Note:** The Yemen-Saudi-Arabia Jeddah Agreement designates the positions of armed forces along the border.

Jeddah Agreement, Annex 4, Article 7

It is not permitted for any of the contracting parties to mass up its armed forces at a distance less than 20 kilometers on both sides of the second part of borderline referred to in this treat. Activity of each party on each side is confined to running security patrols with their ordinary weapons.

**Sample Language: Security and Normalization**

Parties shall establish checkpoints for crossing points in the boundary. Each party will be responsible for monitoring these checkpoints in efforts to hinder illegal trade and smuggling, illegal trafficking of persons, and infiltration of armed factions.

Each party shall engage in patrols to prevent illegal activities from crossing the border between the parties.

The parties shall employ the use of international monitors to oversee the actions surrounding the borders between the parties.

A committee shall be established to implement proper monitoring of the border, and to arrange security forces as necessary.

The parties shall not amass troops within [*insert distance, e.g. number of miles, kilometers, or other measurement standard*] of the border. Only border security forces will be permitted in this zone.

## Monitoring Mechanisms

**Primary Note:** Monitoring organizations or border commissions are used to determine a border and to facilitate negotiations between parties where a border has not been determined. In these agreements the language establishing a border commission addresses who the commission is comprised of, who heads the commission, the powers of the commission and its members, and a tentative timeframe for them to issue their judgments. For the purposes of securing the border, border agreements generally designate a responsible organization to monitor and secure the border. Some agreements create a monitoring body, such as a “Border Commission” to provide the necessary oversight.

Generally, a commission will include members unilaterally appointed from each party as well as jointly-appointed additional member(s). The agreement must clearly state whether or not the appointees to the commission are nationals of the parties. Some commissions are comprised entirely of nationals of each party, while others are composed entirely of non-nationals, while yet others rely on nationals as their parties’ appointees, and defer to a non-national as the joint appointee(s). Joint appointees often serve well as the presiding officer because they have the support of each party and help generate confidence in the process. Any agreement should outline who will serve as the presiding officer of the committee, the composition of the committee, and the powers the body will actually exercise.

**Note:** General provisions in the Ethiopia-Eritrea Agreement reference international agreements to establish the boundaries between the two countries and outline the creation of a boundary commission to delimit and demarcate the boundaries.

### Ethiopia-Eritrea Agreement, Article 4

Consistent with the provisions of the Framework Agreement and the Agreement on Cessation of Hostilities, the parties reaffirm the principle of respect for the borders existing at independence as stated in resolution AHG/Res. 16(1) adopted by the OAU Summit in Cairo in 1964, and, in this regard, that they shall be determined on the basis of pertinent colonial treaties and applicable international law.

The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and

demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions *ex aequo et bono*.

**Note:** The Bougainville Agreement is an example of a Committee composed entirely of nationals of the disputed area. The committee provision provides for equal representation of both parties. The subsequent provision provides that the presiding officer or coordinator is a national, appointed by the head of one party in consultation with the head of the second party.

Bougainville Agreement, Articles 3 - 4

Joint Implementation Committee

To discuss and resolve any conflicts or differences arising from this agreement into a workable plan, a Joint Implementation Committee will be established composed of:

Secretary of the Prime Ministers Department

Secretary of the Ministry of Provincial Affairs

Secretary of the Department of Finance

Premier of North Solomons

Provincial Secretary

Provincial Legal Officer.

Co-ordinator

The Prime Minister after consultation with the Provincial Government of North Solomons shall appoint a senior public servant to supervise and co-ordinate the implementation of all parts of this agreement. The appointed senior public servant shall provide bi-monthly reports to the Premier of

North Solomons on the progress of the arrangements to implement all parts of this agreement and respond to any other requests of the Premier concerning any parts of this agreement.

**Note:** The Ethiopia-Eritrea Agreement provides an example of a Committee composed of nationals, and a jointly-appointed non-national President. In the event the committee members or the President remain unselected after the designated time, it delegates the appointment power to the Secretary General of the United Nations. These provisions also explicitly detail the process through which the Committee will delineate the border, the confines in which the Committee must operate, and the procedure for the settlement of disputes after the Committee's delineation and demarcation decisions.

Ethiopia-Eritrea Agreement, Article 4, Numbers 2 – 16

The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions *ex aequo et bono*.

The Commission shall be located in the Hague.

Each party shall, by written notice to the United Nations Secretary General, appoint two commissioners within 45 days from the effective date of this Agreement, neither of whom shall be nationals or permanent residents of the party making the appointment. In the event that a party fails to name one or both of its party-appointed commissioners within the specified time, the Secretary-General of the United Nations shall make the appointment.

The president of the Commission shall be selected by the party-appointed commissioners or, failing their agreement within 30 days of the date of appointment of the latest party-appointed commissioner, by the Secretary-General of the United Nations after consultation with the parties. The president shall be neither a national nor permanent resident of either party.

In the event of the death or resignation of a commissioner in the course of the proceedings, a substitute commissioner shall be appointed or chosen pursuant to the procedure set forth in this paragraph that was applicable to the appointment or choice of the commissioner being replaced.

The UN Cartographer shall serve as Secretary to the Commission and undertake such tasks as assigned to him by the Commission, making use of the technical expertise of the UN Cartographic Unit. The Commission may also engage the services of additional experts as it deems necessary

Within 45 days after the effective date of this Agreement, each party shall provide to the Secretary its claims and evidence relevant to the mandate of the Commission. These shall be provided to the other party by the Secretary.

After reviewing such evidence and within 45 days of its receipt, but not earlier than 15 days after the Commission is constituted, the Secretary shall transmit to the Commission and the parties any materials relevant to the mandate of the Commission as well as his findings identifying those portions of the border as to which there appears to be no dispute between the parties. The Secretary shall also transmit to the Commission all the claims and evidence presented by the parties.

**Note:** Annex 2 of the Bosnia Agreement (1995) sets out the role the multinational military implementation force (IFOR) has in maintaining the boundary line. This Agreement contains provisions that establish a plan for delineation and demarcation in which the final decision rests in the hands of an outside party and a jointly-appointed member. The general border provision provides that a joint commission with equal representation from both parties will set the precise limits for their internal boundary line, but the power of final approval lies with the head of an outside international entity, the IFOR.

Bosnia Agreement, Annex 2, Article 4

Following entry into force of this Agreement, the Parties shall form a joint commission, comprised of an equal number of representatives from each Party, to prepare an agreed technical document containing a

precise description of the Inter-Entity Boundary Line. Any such document prepared during the period in which the IFOR is deployed shall be subject to the approval of the IFOR Commander.

**Note:** The Yemen-Saudi-Arabia Jeddah Agreement involves an international firm to assist the Parties in delineating their border.

Yemen-Saudi-Arabia Jeddah Agreement, Articles 1 -3

In an effort for fixing posts on the borderline starting from junction point of the two countries' borders with the Sultanate of Oman at the geographical locality at the intersection point of north parallel 19 with east longitude 52, ending exactly at wharf Ras Al-Mua'j Shami, Radif Qarad outlet, coordinates included in annex (1), the two contracting parties would entrust an international firm with carrying out field survey of the entire land and sea borders. The specialized firm and the joint team of the two contracting parties must strictly abide by distances and directions between each point and that next to it and other specifications mentioned in border reports annexed to Taif treaty. And these are mandatory provisions.

*Sample Language: Option 1*

Each party shall name two representatives to serve on a commission to determine the boundary between the parties.

An additional commissioner will be selected collectively by the parties, and shall not be a national of either party.

The Commission shall have at their disposal access to experts to assist in determining the border. This shall include, but not be limited to cartographers, geologists, natural resource specialists, and legal specialists.

*Powers of the Commission:*

The Commission shall be empowered to resolve any conflicts or disagreements during the formation of the boundary.

The Commission shall be granted authority to delimit and demarcate a boundary, with full authority to sign an agreement for the parties. The Commission will then submit their agreement to the parties for ratification in accordance with domestic law.

The Commission shall provide reports to the governments of the parties regarding the progress of the arrangements to implement all parts of this agreement and respond to any other requests.

The Commission shall commence its work not more than 15 days after it is constituted and shall endeavor to make its decision concerning delimitation of the border within six months of its first meeting.

**Sample Language: Option 2**

An international [*team*] [*commission*] [*firm*] shall be formed by the Parties to prepare an agreed technical document containing a precise description of the border. This border delineation shall be determined upon consultation with all Parties.

**Dispute Resolution**

**Primary Note:** Most agreements contain a dispute resolution system such as arbitration or mediation for problems that arise from provisions within the border agreement or generally with the border. In agreements which establish a monitoring mechanism, the dispute resolution provisions tend to involve this mechanism. In agreements without a monitoring system, an international organization is often enlisted to serve as a neutral arbiter or mediator.

**Note:** The Ethiopia-Eritrea Agreement provides an example of a Committee composed of nationals, and a jointly-appointed non-national President. These provisions explicitly detail the process through which the Committee will delineate the border, the confines in which the Committee must operate, and the procedure for the settlement of disputes after the Committee’s delineation and demarcation decisions.

Ethiopia-Eritrea Agreement, Article 4, Numbers 2 – 16

With regard to those portions of the border about which there appears to be controversy, as well as any portions of the border identified pursuant to paragraph 9 with respect to which either party believes there to be controversy, the parties shall present their written and oral submissions and any additional evidence directly to the Commission, in accordance with its procedures.

The Commission shall adopt its own rules of procedure based upon the 1992 Permanent Court of Arbitration Optional Rules for Arbitrating Disputes Between Two States. Filing deadlines for the parties' written submissions shall be simultaneous rather than consecutive. All decisions of the Commission shall be made by a majority of the commissioners.

The Commission shall commence its work not more than 15 days after it is constituted and shall endeavor to make its decision concerning delimitation of the border within six months of its first meeting. The Commission shall take this objective into consideration when establishing its schedule. At its discretion, the Commission may extend this deadline.

Upon reaching a final decision regarding delimitation of the borders, the Commission shall transmit its decision to the parties and Secretaries General of the OAU and the United Nations for publication, and the Commission shall arrange for expeditious demarcation.

The parties agree to cooperate with the Commission, its experts and other staff in all respects during the process of delimitation and demarcation, including the facilitation of access to territory they control. Each party shall accord to the Commission and its employees the same privileges and immunities as are accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as territorial integrity and sovereignty of the other party.

Recognizing that the results of the delimitation and demarcation process are not yet known, the parties request the United Nations to facilitate resolution of problems which may arise due to the transfer of territorial control, including the consequences for individuals residing in previously disputed territory.

**Note:** The Bosnian Agreement offers examples of provisions that establish a plan for delineation and demarcation in which the final decision rests in the hands of an outside party and a jointly-appointed member. The Brcko area provision submits border disputes to an arbitration committee, comprised of one arbiter appointed by each party, and a joint appointee who serves as head of the arbitration committee. In the event the parties are unable to come to a decision on the joint appointee, after the designated time period, the President of the International Court of Justice chooses the final arbiter.

Bosnia Agreement, Annex 2, Article 5, “Arbitration for the Brcko Area”

The Parties agree to binding arbitration of the disputed portion of the Inter-Entity Boundary Line in the Brcko area indicated on the map attached at the Appendix.

No later than six months after the entry into force of this Agreement, the Federation shall appoint one arbitrator, and the Republika Srpska shall appoint one arbitrator. A third arbitrator shall be selected by agreement of the Parties' appointees within thirty days thereafter. If they do not agree, the third arbitrator shall be appointed by the President of the International Court of Justice. The third arbitrator shall serve as presiding officer of the arbitral tribunal.

Unless otherwise agreed by the Parties, the proceedings shall be conducted in accordance with the UNCITRAL rules. The arbitrators shall apply relevant legal and equitable principles.

Unless otherwise agreed, the area indicated in paragraph 1 above shall continue to be administered as currently.

The arbitrators shall issue their decision no later than one year from the entry into force of this Agreement. The decision shall be final and binding, and the Parties shall implement it without delay.

**Note:** The Ecuador-Peru Rio Protocol addresses the role of foreign nations as military observers and dispute resolution mediators.

The Ecuador-Peru Rio Protocol, Articles 3 - 7

The United States of America, Argentina, Brazil, and Chile shall cooperate, by means of military observers, in order to adjust to circumstances this evacuation and retirement of troops, according to the terms of the preceding article.

The military forces of the two countries shall remain in their new positions until the definitive demarcation of the frontier line. Until then, Ecuador shall have only civil jurisdiction in the zones evacuated by Peru, which remain in the same status as the demilitarized zone of the Talara Act.

The activity of the United States, Argentina, Brazil, and Chile shall continue until the definitive demarcation of frontiers between Peru and Ecuador has been completed, this protocol and the execution thereof being under the guaranty of the four countries mentioned at the beginning of this article.

Any doubt or disagreement which may arise in the execution of this protocol shall be settled by the parties concerned, with the assistance of the representatives of the United States, Argentina, Brazil, and Chile, in the shortest possible time.

**Sample Language: Dispute Resolution**

With regard to those portions of the border for which the parties find controversial, the parties shall present their written and oral submissions and any additional evidence directly to the [*arbitration or mediation entity*] in accordance with [*the procedures set forth in this provision or the procedures of the entity itself*].

The decision of the [*arbitration or mediation entity*] shall be final and binding, and all Parties shall implement it without delay.

[*Insert arbitration or mediation procedure*]

## Natural Resources

**Primary Note:** If natural resources, such as rivers, are an issue near the border, these agreements contain provisions addressing this situation. These stipulations range from regulations on the resource to provisions for if and when the resource physically changes.

**Note:** The general provisions contained in Annex 2 of the Bosnia Agreement (1995), provide explicit regulations relating to a specific boundary line. The provisions address the impact natural environmental changes may have on the boundary line and the role the multinational military implementation force (IFOR) has in maintaining the boundary line.

Bosnia Agreement, Annex 2, Articles 2 – 4, “Rivers”

Where the Inter-Entity Boundary Line follows a river, the line shall follow natural changes (accretion or erosion) in the course of the river unless otherwise agreed. Artificial changes in the course of the river shall not affect the location of the Inter-Entity Boundary Line unless otherwise agreed. No artificial changes may be made except by agreement among the Parties.

In the event of sudden natural changes in the course of the river (avulsion or cutting of new bed), the line shall be determined by mutual agreement of the Parties. If such event occurs during the period in which the IFOR is deployed, any such determination shall be subject to the approval of the IFOR Commander.

**Note:** The Ecuador-Peru Rio Protocol (1942) addresses the use of waterways.

The Ecuador-Peru Rio Protocol, Article 6

Ecuador shall enjoy, for purposes of navigation on the Amazon and its northern tributaries, the same concessions which Brazil and Colombia enjoy, in addition to those which may be agreed upon in a Treaty of Commerce and Navigation designed to facilitate free and untaxed navigation on the aforesaid rivers.

**Note:** General provisions in the Jeddah Agreement (2000) between Yemen and Saudi Arabia address the rights the population of shepherds will have as a result of the agreement as well as regulations pertaining to the exploitation of natural resources.

Jeddah Agreement, Annex 4, Articles 1 - 7

Annex No. 4 of the international borders treaty between Kingdom of Saudi Arabia and Republic of Yemen on regulating pasture rights, designating armed forces positions on both sides of the second part of the borderline between the two countries, as referred to in this treaty, and exploiting common natural wealth along land borderline dividing the two countries. This annex has 7 articles as follows:

In case of discovering common natural wealth, good for excavation and investment, along the borderline starting from Ras Al-Mua'j Shami of Rfid Qarad outlet to junction point of parallel 19 north and longitude 52 east, the two contracting parties shall hold necessary negotiations on joint exploitation of that wealth.

*Sample Language: Addressing Natural Resources*

The parties agree that the boundary shall not be changed without the consent of the other party, through due course of negotiation or arbitration.

The parties reaffirm their respect for the border as determined by the Commission establishing the boundaries.

In case of discovering common natural wealth, good for excavation and investment, along the borderline the two contracting parties shall hold necessary negotiations on joint exploitation of that wealth.

*[Where the border line follows a river, the line shall follow natural changes (accretion or erosion) in the course of the river unless otherwise agreed. Artificial changes in the course of the river shall not affect the location of the boundary line unless otherwise agreed. No artificial changes may be made except by agreement among the Parties.]*

## Financial Arrangements

**Primary Note:** Border agreements can provide for the disbursement or allocation of funds for the agreement's various provisions or established organizations (i.e. border commissions). The allocation of funding is often used to facilitate a resolution to the border dispute. In previous agreements, these funds were either supplied by the international community or shared between the parties and were used for providing security and monitoring forces along the border. Some agreements contain extensive provisions regarding the financial arrangements for a border dispute.

**Note:** The funding mechanisms within the Ecuador-Peru Comprehensive Agreement are an example of a highly specialized agreement which includes details of the budget and stipulates that the border patrol will be financed through national budgets. The agreement also details the sources of funding, how and by whom the fund will be administered, and what the fund will pay for. The parties agree to equally share the monetary burden of the agreement.

### Ecuador-Peru Comprehensive Agreement, Article 19

In order to organize the appropriation of resources and promote adequate fulfillment of its programs and projects, the bilateral plan for development of the border region shall be structured in the following manner:

A bilateral executive board, whose membership will be drawn from the Peruvian and Ecuadorian chapters; and an international advisory committee.

The plan's organizational structure is described under Annex 4.

### Ecuador-Peru Comprehensive Agreement, Article 22 – 23, 25 – 29

The principal financial instruments that will be utilized to obtain the resources necessary for the implementation of the bilateral plan for the development of the border region shall be the following:

Direct contributions and efforts by the governments of Peru and Ecuador; a bilateral fund for peace and development; an international

Peru-Ecuador financial consulting group; bilateral group for the promotion of private sector investment; and others.

The executive board of directors for the bilateral plan will be supported by an international advisory committee with representative members from countries and institutions that agree to participate in financing of the project. The bilateral executive board will submit an annual report on its activities to the coexistence commission and the international advisory committee.

The Bilateral Fund for Peace and Development:

In order to promote and support the financing for programs and small and medium sized projects contemplated under the bilateral plan for development of the border region, the parties agree to create a bilateral Peru – Ecuador Fund for Peace and Development.

The fund will be established through contributions from the governments of Peru and Ecuador, friendly countries, multilateral institutions, non-governmental organizations and other private sector organizations.

The fund will issue certificates of peace and development for every 5 (five) million United States Dollars received and may enter into agreements to receive non-reimbursable financial assistance under other agreements of cooperation.

The bilateral fund shall administer available resources through four main channels, designed to provide direct financing for small and medium sized projects included under the plan programs, contained within Article 20 of this agreement and the research and work required for their implementation, including increased support for private sector investment.

The channels will provide funds for the following projects:

Development of projects aimed at citizen participation and community development.

Construction and improvement of social, economic, environmental and services infrastructure.

Financing of small, medium and micro businesses.

Projects for the promotion of private sector investments.

The bilateral Fund for Peace and Development is regulated by the organizational structure established under Annex 6 of this agreement, which may be elevated to that of statute by approval of both parties.

The fund will have an assembly, a board of directors and an executive secretary.

The Advisory Group on International Financing:

In order to provide support for financing of the larger projects contemplated under the bilateral plan for development of the border region, the parties agree to jointly promote the organization and establishment of an advisory group on international financing.

With this objective in mind, the parties will seek support from the World Bank, the Inter-American Development Bank (IDB), The Corporacion Andina De Fomento (Andean Development Corporation), specialized agencies within the United Nations, agencies within the Inter-American system, governments of friendly countries and other sources of international financing.

The convocation of the Advisory Group on International Financing will be effected upon completion of the necessary research on the major programs and projects falling under the bilateral plan for development of the border region.

**Note:** The Ethiopia-Eritrea Agreement, in contrast, gives very little detail on the sources, the budget, management and uses of funds to administer the provisions of the Agreement. However, the Parties agree that the border patrol will be financed through international assistance.

Ethiopia-Eritrea Agreement, Article 4, Number 17

The expenses of the Commission shall be done equally by the two parties. To defray its expenses, the Commission may accept donations from the United Nations Trust Fund established under paragraph 8 of Security Council Resolution 1177 of 26 June 1998.

**Note:** Other treaties with similar provisions are the Sudan Agreement and the Yemen-Saudi Arabia Jeddah Agreement.

**Sample Language: Financial Arrangements**

A fund shall be established to fund the commission and for other shared expenses. Each party shall make equal contributions, and international donations may be accepted. A body not party to the border disagreement will administer this fund.

To fund the monitors and security forces of the parties to the agreement, each party will fund their own monitors and forces. For international and third party forces and monitors, funding shall come from the shared fund.

## Unique Provisions

**Primary Note:** Unique provisions may be included to address issues unique to a particular border disagreement. Because these provisions are specific to the given situation, this element of border agreements is not often replicated from one agreement to the next. The types of issues that are addressed in general provisions could include, but are not limited to, cooperation and coexistence and pasture rights and shepherds.

### *Cooperation and Coexistence Provisions*

**Note:** The general provisions of the Ecuador-Peru Comprehensive Agreement (1998) are far less specific than those of the Ecuador-Peru Rio Protocol. Choosing to focus more on outlining the general goals of the agreement of promoting the peaceful coexistence of the Parties, the general provisions do not address in detail how the Parties plan to attain such goals other than to mention that they will be based on four fundamental premises.

### Ecuador Peru Agreement, Articles 1 - 4

Peru and Ecuador attach the greatest priority to the integration of their borders, mutual cooperation and development, through the implementation of joint programs within the framework of peaceful coexistence that both nations have agreed to build.

The scope of this agreement extends to the territories of both countries. The various agreements that may result from this agreement will determine, if necessary, their specific scope of application.

The parties shall provide the necessary instruments in order to provide impetus to the promotion of coexistence between the inhabitants of the border region and, in particular, young people, through educational, sports, ecological, and cultural programs and events.

The comprehensive agreement on border integration, development and coexistence is structured upon the following fundamental premises:

The committee on coexistence;

The strengthening of bilateral cooperation;

The border regime;

And the bilateral plan for development of the border region.

*Pasture Rights and Shepherds*

**Note:** General provisions in the Jeddah Agreement (2000) between Yemen and Saudi Arabia address the rights the population of shepherds will have as a result of the agreement as well as regulations pertaining to the exploitation of natural resources.

Jeddah Agreement, Annex 4, Articles 1 - 7

Annex No. 4 of the international borders treaty between Kingdom of Saudi Arabia and Republic of Yemen on regulating pasture rights, designating armed forces positions on both sides of the second part of the borderline between the two countries, as referred to in this treaty, and exploiting common natural wealth along land borderline dividing the two countries. This annex has 7 articles as follows:

Pasture area on both sides of the second part of borderline referred to in this treaty is limited by 20 kilometers.

Shepherds from both countries have the right to use pasture areas and water resources on both sides of this part of borderline according to prevalent tribal traditions for a distance not exceeding 20 kilometers.

The two contracting parties will hold annual consultations to fix crossing points for pasture purposes relying on prevalent circumstances and pasture opportunities.

Shepherds, citizens of the Kingdom of Saudi Arabia and of the Republic of Yemen shall be exempt from:

Residency and passports regulations with permit cards dispensed to

them by competent authorities of their respective countries.

Taxes and duties on personal belongings, foodstuffs and consumer goods they carry. This does not hinder any of the parties from levying customs duties on animals and commodities brought for trading purposes.

Any of the contracting parties has the right to set up restrictions and regulations they deem convenient regarding the number of vehicles crossing into their territories with shepherds. These measures are also applicable to type and number of firearms allowed to carry by shepherds on condition they are licensed by competent authorities in both countries, along with identity of those carrying them.

In case of epidemic disease infecting animal wealth, each party has the right to take necessary preventive measures and impose restrictions on importing and exporting infected animals. Competent authorities in both countries should cooperate to curb spread of disease as much as possible.

## SUMMARIES OF RELEVANT AGREEMENTS ADDRESSING BORDERS

The following summaries briefly describe the conflicts and the various types of language used in peace agreements relevant to borders. The agreements are summarized alphabetically by the name of the first country party to the agreement.

### **Bosnia**

#### Dayton Accords, 14 December 1995

Annex 2 of the Dayton Accords deals directly with border issues surrounding the Bosnia conflict. It discusses treatment of rivers, demarcation, procedures for adjustment, agreement on arbitration procedures for the disputed area of Brcko, and provides agreement on a time period for transition at 45 days. Rivers are to be allowed change of natural course. Demarcation procedures defer to already acknowledged borders established in the cease fire, except in the disputed area of Brcko, in which case each party will nominate one arbitrator, and the two arbitrators will agree on a third.

### **Democratic Republic of the Congo**

#### Democratic Republic of Congo-Lusaka Agreement, 10 July 1999

The Democratic Republic of Congo-Lusaka Agreement was signed by the Congolese government, two armed opposition groups, and the governments of Uganda, Rwanda, Zimbabwe, Angola and Namibia (countries that had sent troops into the DRC). This Agreement brought together six nations, plus warring factions in an attempt to resolve the civil war in the Democratic Republic of Congo. It has been routinely violated, but remains an important reference as a benchmark for what should be done relative to what is done. Though this general agreement says little about creating borders, it does address the important issue of post conflict border security and the need to have secure borders, particularly to stem arms trafficking and the movement of armed bands.

### **Ecuador- Peru**

#### Ecuador-Peru Rio Protocol, 29 January 1942

The conflict over the border between Ecuador and Peru raged from 1830-1942, with the Ecuador-Peru Rio Protocol coming as a result of an escalation in

conflict in 1941. The sides were able to reach agreement based on the status quo line of 1936. Argentina, Brazil, Chile, and the United States signed as guarantors to ensure the implementation of the agreement, and to assist with the demarcation. The protocol first forms agreement to withdraw troops out of disputed areas (overseen by international forces and observers), retains demilitarization zones after borders are secured for civilian control, allows access to river passage for Ecuador as enjoyed by Brazil and Colombia, defers to the international parties for settlement of dispute, and provides a detailed outline of what the new border should entail. The agreement also grants reciprocal concessions as the border is laid to allow for geographical realities, though these must be made with the concession of the international parties involved.

#### Ecuador-Peru Comprehensive Agreement, 26 October 1998

The Ecuador-Peru Rio Protocol failed to completely demarcate the entire border between Ecuador and Peru, so conflict persisted even after its implementation. In 1995, conflict broke out again in the undemarcated “Cordillera del Condor.” The Ecuador-Peru Rio Protocol guarantor countries, Argentina, Brazil, Chile, and the United States, were able to facilitate an agreement between the parties, resulting in a ceasefire and demobilization in 1995. This was followed by the 1998 Agreement regarding the border area’s development by establishing committees on the border and on coexistence, providing funds for development and peace, empowering an advisory group in international financing, and establishing a group to promote private sector investment in the area.

#### **Ethiopia-Eritrea**

#### Ethiopia-Eritrea Agreement, 12 December 2000

Ethiopia and Eritrea fought a brutal two-year border war prior to the signing of this agreement, which was brokered by the Organization of African Unity. Following the cessation of hostilities, the parties agreed to a mutual respect for the border between the countries. The parties agreed to principles on peaceful settlement of disagreements, rejection of force, respect for borders inherited from independence, and the creation of necessary conditions for the deployment of peacekeeping missions and delineation of the border. Central to this process is Article IV, which includes the establishment of a boundary commission located in the Hague, including provisions for appointment and leadership, utilization of the UN cartographer, a process of arguing for disputed lands through submission of

reports to the commission, establishment of timeframes for processes, willingness to abide by the commission's decision, and methods for producing funds for their expenses.

## **Papua New Guinea**

### Bougainville Agreement, 30 August 2001

The 1998 Lincoln Agreement ended a long war between the Papua New Guinea government and two Bougainville factions. Bougainville received autonomy from Papua New Guinea. Because it is an island, the Bougainville conflict did not involve direct border disputes, but it did deal with the similar topic of jurisdiction over waters. Within the Bougainville agreement, the parties agree to extend Bougainville's jurisdiction to 3 miles out from the coast with the possibility of later extension. The sides also agree to shared revenue from fisheries, and the possibility of extensions in the future. The agreement acknowledges the autonomy agreement between the parties, and seeks to provide a basis for cooperation.

## **Saudi Arabia**

### Jeddah Agreement, 12 June 2000

The Ta'if treaty of 1934 between Saudi Arabia and Yemen had proven ineffective in several areas which needed reconciliation. This need was realized in the Jeddah Agreement. Although the border itself was less contentious than other relations between the countries, agreement upon the border was still important to reaching an overall peace. The treaty divides the border into three parts. The first portion was covered by the Ta'if treaty. The second part is left to be determined through mutual surveying, though the start and end points are indicated. The third portion is the maritime frontier. The problem with their border is often the actual interpretation on the ground due to grazing areas of tribes, and smuggling routes. The agreement tries to address these problems, and also allows for negotiations for "shared natural wealth," particularly oil.

## **Somalia**

### Addis Ababa Agreement, 27 March 1993

During the 1990s, long civil wars raged in Somalia between military factions seeking control of the country. The Addis Ababa agreement was reached as a ceasefire, seeking to end these conflicts. Though fighting continued despite U.S. and U.N. intervention, the agreement is an important reference. The agreement provides terms for a ceasefire, disarmament, rehabilitation, governance, and international oversight. This entailed particular stresses on the need for maximum cooperation from bordering countries in policing the borders, stopping illegal trafficking and enforcing the UN arms embargo.

## **Sudan**

### Sudan Agreements, 5 June 2004

Through a series of agreements, the central government of Sudan has negotiated the beginnings of peace with the Sudan People's Liberation Movement (SPLM) after more than twenty years of civil war. This series includes a ceasefire, wealth-sharing and power-sharing mechanisms, border agreements, new governmental structures, and assurances that the work towards peace between the two groups will continue. The agreements have focused on distributing wealth from oil reserves in Southern Sudan and setting up independent government structures to administer disputed regions in the south.

## ADDITIONAL RESOURCES

**Note:** The following resources contain additional information on resolving border problems. Web links are current as of September 6, 2004.

### **Not-for-Profit Organizations and Academic Centers**

#### **International Boundaries Research Unit**

IBRU is based out of the University of Durham and is dedicated solely to providing resources for the peaceful resolution of border disputes on land and at sea. The site contains extensive links to other organizations and informational resources on border-related issues as well as a large, searchable news database of stories related to border problems.

<http://www-ibru.dur.ac.uk/index.html>

#### **Centre for International Borders Research**

CIBR is a program of Queen's University in Belfast. The CIBR website contains bibliographies sorted by geographical region on publications that discuss border-related issues. The site is also a source for CIBR publications.

<http://www.qub.ac.uk/cibr/index.htm>

#### **Netherlands Institute for Laws of the Sea**

NILOS is a program of the University of Utrecht's Faculty of Law focused on international and European laws of the sea. The Institute's website contains links to other groups working on laws of the sea and copies of NILOS publications. NILOS also offers consultation services.

<http://www.uu.nl/uupublish/homerechtsgeleer/onderzoek/onderzoekscholen/nilos/19460main.html>

#### **International Court of Justice**

The ICJ is the principle judicial body of the United Nations. In that role, the ICJ regularly adjudicates on border disputes and the *decisions* page contains numerous opinions from past border-related cases.

<http://www.icj-cij.org/>

#### **Center for World Indigenous Studies**

CWIS's mission is to foster understanding and learning between peoples by serving as a center for informational exchange. CWIS Fourth World

Documentation Program focuses specifically on the rights and education of indigenous groups and contains an extensive online library.

<http://www.cwis.org/index.htm>

### **Boundary Consultants and For-Profit Organizations**

#### **Sovereign Geographic**

Sovereign Geographic is a private organization specializing in border research, analysis, and cartography. SG provides research border history for nations entering into border litigation or arbitration.

<http://www.sovereigngeographic.com/>

## ABOUT THE PUBLIC INTERNATIONAL LAW & POLICY GROUP

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As a *pro bono* law firm, PILPG relies almost exclusively on volunteer legal assistance from more than sixty legal advisors and former diplomats, as well as major international law firms. On average PILPG is able to provide over \$1.5 million worth of *pro bono* services annually.

PILPG provides legal assistance to a large number of clients without a physical infrastructure or any full time paid staff, and is thereby able to commit over 95 percent of its resources directly to project activities. Frequently, PILPG sends members in-country to facilitate the provision of legal assistance, and its members often serve on the delegations of its clients during peace negotiations.

PILPG maintains volunteer points of contact in Washington DC, New York City, Boston, Seattle, Cleveland, London, Paris, Rome, The Hague, Stockholm, Belfast, Krakow, Budapest, Zurich, Tbilisi, Kabul, and Nairobi.

From 1996-1998, PILPG operated under the auspices of the Carnegie Endowment for International Peace. In July 1999, PILPG was granted official Non-Governmental Organizations status by the United Nations.