

N° 3953.

RÉPUBLIQUE DOMINICAINE
ET HAÏTI

Accord de frontière, signé à Saint-Domingue, le 27 février 1935 ; protocole additionnel au Traité du 21 janvier 1929 sur la délimitation de la frontière entre les deux pays, signé à Port-au-Prince, le 9 mars 1936, et mémoire y annexé, signé à Port-au-Prince, le 15 février 1936.

DOMINICAN REPUBLIC AND HAITI

Boundary Agreement, signed at Santo Domingo, February 27th, 1935 ; Additional Protocol to the Treaty of January 21st, 1929, regarding the Delimitation of the Frontier between the Two Countries, signed at Port au Prince, March 9th, 1936, and Memorandum annexed thereto, signed at Port au Prince, February 15th, 1936.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3953. — ACUERDO DE FRONTERAS ENTRE LA REPUBLICA DOMINICANA Y LA REPUBLICA DE HAITI. FIRMADO EN SANTO DOMINGO, EL 27 DE FEBRERO DE 1935.

Spanish and French official texts communicated by the Secretaries of State for External Affairs of the Republic of Haiti and of the Dominican Republic. The registration of this Agreement took place August 5th, 1936.

EL PRESIDENTE DE LA REPÚBLICA DE HAITI, D^r Stenio VINCENT y EL PRESIDENTE DE LA REPÚBLICA DOMINICANA, Generalísimo D^r Rafael L. TRUJILLO MOLINA iniciaron desde Octubre 18 de 1933 en las ciudades de Dajabón y Ouanaminthe, conversaciones directas y personales con el objeto de convenir los medios de poner fin a las dificultades surgidas con motivo del trazado de la línea determinada como demarcación fronteriza entre las dos Repúblicas, de acuerdo con el Tratado¹ del 21 de Enero de 1929.

Esas conversaciones se prosiguieron con éxito en Puerto Príncipe durante la visita realizada a Haití en Noviembre de 1934 por el Hon. Presidente Trujillo Molina quedando solo una dificultad pendiente de arreglo, y hoy, en las conversaciones sostenidas en esta Capital entre el Hon. Presidente Vincent, huésped de honor del Gobierno y el pueblo dominicanos, y el Hon. Presidente Trujillo Molina, ha sido resuelta también la última dificultad quedando, así, cancelada, en hora feliz para ambos pueblos, la vieja y enojosa cuestión de fronteras, con absoluto respeto a las estipulaciones del citado instrumento internacional que vincula a los dos pueblos.

Las dificultades surgidas, consignadas en el acta Núm. 89 de la Comisión Delimitadora de Fronteras Dominico-Haitiana, fueron las siguientes :

- 1a. — Determinar la cabezada del Río Libón ;
- 2a. — Determinar el curso que después de la estación de tránsito 805 en el camino de Restauración a Bánica debe seguir la frontera hasta llegar al Río Artibonito ;
- 3a. — El curso que debe seguir la frontera entre San Pedro y el fuerte Cachimán ;
- 4a. — El curso que debe seguir la frontera entre la cabezada del Arroyo Carrizal, Rancho de las Mujeres y Cañada Miguel ;
- 5a. — El curso que debe seguir la frontera entre Gros Mare y la cabezada del Río Pedernales.

Ha sido convenido resolver esas dificultades como sigue :

Primera dificultad : Fijar como nacimiento o cabezada del Río Libón el punto donde los ríos Marigoyenne y Tenebras se unen formando desde allí aguas abajo el Río Libón. La frontera, en consecuencia, irá en una línea recta desde el padrón No. 48 en Mont Grimé hasta encontrar dicho punto.

Segunda dificultad : La Segunda Dificultad queda resuelta con el arreglo del protocolo de la Miel.

Tercera dificultad : Esta ha sido resuelta así : desde el punto SP4 marcado por la Comisión Delimitadora de Fronteras Dominico-Haitiana en el paraje de San Pedro sobre el Río Macasías la línea seguirá por la cima de los cerros, descendiendo a Tumba la Rosa,

¹ Vol. CV, page 193 ; and Vol. CLXVIII, page 234, of this Series.

¹ TRADUCTION. — TRANSLATION.

No. 3953. — BOUNDARY AGREEMENT BETWEEN THE DOMINICAN REPUBLIC AND THE REPUBLIC OF HAITI. SIGNED AT SANTO DOMINGO, FEBRUARY 27TH, 1935.

Dr. Stenio VINCENT, PRESIDENT OF THE REPUBLIC OF HAITI, and Dr. Rafael L. TRUJILLO MOLINA, Commander-in-Chief, PRESIDENT OF THE DOMINICAN REPUBLIC, on October 18th, 1933, in the cities of Dajabón and Ouanaminthe, began direct and personal negotiations with a view to putting an end to the difficulties which had arisen regarding the tracing of the frontier between the two Republics, as determined by the Treaty of January 21st, 1929.

These conversations were successfully pursued at Port au Prince during President Trujillo Molina's visit in November 1934, only one difficulty remaining to be settled; to-day, in the conversations which have taken place in this capital between President Vincent, guest of honour of the Dominican Government and people, and President Trujillo Molina, this last difficulty has also been solved, thus happily settling the old and vexatious question of frontiers, while fully respecting the above-mentioned international instrument which binds the two peoples.

The difficulties which had arisen, and which are set forth in No. 89 of the minutes of the Haitian-Dominican Frontier Commission, are the following :

- (1) The determination of the source of the river Libón ;
- (2) The determination of the course that the frontier should follow from transit station 805 on the road from Restauración to Bánica until it arrives at the river Artibonite ;
- (3) The course that the frontier should follow between San Pedro and Fort Cachimán ;
- (4) The course that the frontier should follow between the source of the river Carrizal, Rancho de las Mujeres and Cañada Miguel ;
- (5) The course that the frontier should follow between Gros Mare and the source of the river Pedernales.

It has been agreed that these difficulties shall be settled as follows :

First difficulty : Take as source or point of origin of the river Libón the point at which the rivers Marigoyenne and Tenebras unite, the waters below that point being regarded as the river Libón. Therefore the frontier shall run directly from frontier pillar No. 48 on Mount Grimé up to the said point.

Second difficulty : The second difficulty is settled by the agreement on the Protocol of La Miel.

Third difficulty : The third difficulty has been settled in the following manner : from the point marked SP₄ by the Haitian-Dominican Frontier Delimitation Commission in the neighbourhood of San Pedro on the river Macasías, the line shall follow the watershed, descending to Tumba la Rosa, passing by Dame Jeanne Cassée and the cemetery to the point already fixed at Fort Cachimán. From this last point it shall run to the river Carrizal, leaving the main road in Haitian territory, and shall follow the course of the river Carrizal upstream to its source.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

Fourth difficulty : From the source of the Carrizal to Mare Zephir (Rancho de las Mujeres), the line shall pass by Maison Madame Salómon, and from there to Cañada Miguel.

Fifth difficulty : The line shall start from Gros Mare and run to the clearly defined gorge at Mare Orange ; thence to the Source Bonite, which shall be regarded as the source of the river Pedernales. The intermediate frontier pillars shall be set up later.

The settlement of these five difficulties, which were those which remained in suspense and prevented the delimitation of the frontier line agreed upon by the Treaty of January 21st, 1929, settles the dispute concerning the execution of the said Treaty.

With a view to consolidating the peace and bonds of friendship which should govern the relations of the two peoples, the two Governments have considered the desirability of rectifying the 1929 line in the sector between the point where the main road from Bánica to Restauración crosses the river Libón at Passe Maguanne and the point where this road crosses the river Artibonite opposite the village of Bánica ; such rectification shall not, however, in any way diminish or at any time prejudice transit facilities for nationals of the Dominican Republic provided for in the said frontier section of the Treaty of January 21st, 1929.

The two Governments have therefore agreed to conclude an Additional Protocol the basis of which shall be the establishment as frontier line, between the said points of Passe Maguanne and Bánica, of a road along the banks of the rivers Libón and Artibonite built at the joint expense of the two Governments in accordance with specifications for construction which shall be settled in the said Protocol.

This Protocol, which shall establish equal rights for Haitians and Dominicans over the waters of the rivers Artibonite and Libón, shall be drawn up after the engineers appointed by the two Governments have prepared on the spot the technical plans for the line of the above-mentioned road.

SANTO DOMINGO, Capital of the Dominican Republic, *February 27th, 1935.*

ADDITIONAL PROTOCOL

TO THE TREATY OF JANUARY 21ST, 1929, REGARDING THE DELIMITATION OF THE FRONTIER BETWEEN THE DOMINICAN REPUBLIC AND THE REPUBLIC OF HAITI. SIGNED AT PORT AU PRINCE, MARCH 9TH, 1936.

Doctor Rafael Leonidas TRUJILLO MOLINA, Commander-in-Chief, President of the Dominican Republic,
and

Doctor Stenio VINCENT, President of the Republic of Haiti.

Whereas the five difficulties which according to its Act No. 89 of October 28th, 1930, were left in suspense by the Delimitation Commission set up for the execution of the Dominican-Haitian Frontier Treaty of January 21st, 1929, have been settled by our Agreement of February 27th, 1935 ;

Whereas a peaceful solution has been given to the execution of the Frontier Treaty of January 21st, 1929, by the above-mentioned Agreement which came into force on June 2nd, 1935, without its being necessary to have resort to the indirect solutions provided for in Article 7 of the said Treaty ;

Whereas the actual delimitation of the frontier line on the spot as provided for by the Treaty of January 21st, 1929, has been completed and the boundary pillars have been set up on the spot with the agreement and approval of the representatives of the two Governments ;

Whereas the ideals of absolute peace and the bonds of indissoluble friendship which should regulate the relations between the two peoples, the Dominican Republic and the Republic of Haiti, require a revision of the frontier line agreed to in 1929 in the sector between the point at which the main road leading from Bánica to Restauración crosses the river Libón (Maguane ford, at the point marked 22 R. L.) and the point at which the said road crosses the river Artibonite opposite the Dominican town of Bánica ;

Whereas, for the purpose of strengthening the bonds of friendship between the two countries, the Government of the Dominican Republic accepts a revision of this sector of the frontier line under

the express condition that the facilities for passing the frontier granted to nationals of the Dominican Republic by the Treaty of January 21st, 1929, on this sector of the frontier shall not be reduced, but rather increased as far as possible ;

Whereas the Government of the Dominican Republic, inspired by the same spirit of conciliation in the relations which must exist between the two countries, consents to the revision of the delimitation of the frontier provided for by the Treaty of January 21st, 1929, in the sector between Fort Cachimán and the river Carrizal ;

Whereas the Government of the Republic of Haiti is for its part prepared to accept the above-mentioned revisions for the purpose of contributing to the maintenance and strengthening of the bonds of friendship which we have taken such pains to promote between the peoples of the Dominican Republic and the Haitian Republic ;

Whereas under our Agreement of February 27th, 1935, the Frontier Delimitation Commission has surveyed the ground and prepared the preliminary plans for an international road to be built by the two States, the expenditure on which would be chargeable equally to both Parties and which would ensure adequate transit both for citizens of the Dominican Republic and for citizens of Haiti in the above-mentioned sector ;

Taking into consideration all the circumstances and also the fact that the above-mentioned Agreement was carefully considered during the exchange of visits in the years 1934 and 1935 ;

We, the President of the Republic of Haiti and the President of the Dominican Republic, have negotiated and concluded the following Protocol of revision :

Article 1.

The Dominican Republic agrees to the revision of paragraph 3 of Article 1 of the Treaty of January 21st, 1929, as far as concerns the following part of the text :

“ Follows it (‘ Camino Real ’) to the point where it crosses the river Artibonite opposite Bánica. ”

“ The road known as the ‘ Camino Real ’ goes from Bánica to Restauración passing La Miel, leaving this town on the east, through Guardia Vieja and Zurza, leaving the town of Cerca-la-Source on the west, by the Saltadero stream, La Tuna and El Botado, leaving these two sections to the east ; the frontier line, following the road from Bánica to Restauración, will be drawn along the middle of the said ‘ Camino Real ’, which will thus be made available for the two countries and will be widened in order to facilitate transit ” ; and agrees that this section shall be taken as the frontier between the two Republics as follows :

A line starting from Passe Maguane, that is to say from the point marked 22 R. L., follows the median line of the Libón river to the Tilori ford, thence the line follows the axis of a main road, the property of both States, beginning at the Tilori or Madame Luchen ford, follows the right bank of the river Libón, passes through Juan de Paz, thence crosses the river Los Algodones, crosses the river La Guarana, follows the right bank of that river, crosses the Mechora plain, passes through Cocoi, follows the base of the Guaranas hills, passes through Hatillo, La Tassajera, La Baria, La Diablesa, Los Carraos to El Corte (La Cour) ;

From El Corte (La Cour), the road shall follow the present road for a distance of 1,500 metres towards Guayacan. Thence it shall be constructed parallel to the river Artibonite at a maximum distance between 800 and 1,000 metres from the river ; thence passing near the cross-roads of Croix Vieux Fond (Fondo Viejo), it shall cross the river La Salle, then the watercourse known as Cañada Bonita ; it shall then continue to the ford known as “ Cacaos ”. At that point it shall cross the Artibonite river. This is the point at which the international Artibonite bridge shall be built.

After the international bridge the frontier line shall be the median line of the river Artibonite up to the town of Bánica, continuing thence along the middle of this river in accordance with the delimitation established in the year 1929.

Article 2.

The main international road, the axis of which shall constitute the frontier of the two States between the Tilorí ford over the river Libón and the Los Cacaos ford over the river Artibonite, as described in Article 1, has been traced on a plan¹ signed by the Frontier Delimitation Commission in two originals, two copies of which are annexed to the present Protocol and form part thereof and are also signed by the Delimitation Commission.

Article 3.

This international road shall be built by the two States, that is to say, each of them must pay 50 per cent of its total cost in material, labour, equipment, etc.

Both contracting States shall be responsible for the conservancy and upkeep of the said road ; each of them shall include in its yearly budget the sum necessary for the purpose. The manner, method, etc., of such conservancy shall be settled by an agreement between the Chancelleries of the two countries.

Article 4.

The technical conditions for the construction of this road shall be the following :

- Road surface of macadam or gravel 20 cm. thick ;
- Width of track 60 metres ;
- Width of track between ditches 7 metres ;
- Width of macadam 5 metres ;
- Minimum radius of curves 28 metres ;
- Maximum grade 6 per cent ;
- Tangent between reverse curves, minimum 15 metres ;
- Grade in curves of a radius less than 250 metres, 20 cm. ;
- Provisional single-track wooden bridges ;
- Drains of galvanised iron or reinforced concrete.

The members of the two sections of the Delimitation Commission may, during the construction of the international road, change the present line when the conditions of the ground and economic considerations make this necessary, always keeping within the 60 metres wide track, that is to say, 30 metres on either side of the axis of the present line. Once this construction has been completed, a detailed plan shall be prepared in duplicate for the final line, which shall be signed by both Parties, and the axis as thus laid down shall be fixed by suitable pillars and shall be regarded as the frontier line in this sector.

Article 5.

The Republic of Haiti declares and the Dominican Republic agrees that the axis of the international road to be built by the two States shall be the definitive frontier between the two Republics.

The two Governments shall by mutual agreement enact special provisions to establish and regulate police and Customs services along the said road and on any other roads which by their nature and situation may be of concern to the two countries.

Article 6.

The waters of the rivers Libón and Artibonite belong equally to the two riparian States, and use thereof shall be subject to the provisions of Article 10 of the Treaty of Peace, Friendship and Arbitration signed in the city of Santo Domingo, now "Ciudad Trujillo", capital of the Dominican Republic, on February 20th, 1929.

The paths or local roads existing at present which provide access to springs and brooks, and to the river Artibonite for the inhabitants and agriculturists, may be maintained or altered by agreement between the representatives of the two Governments.

¹ Not reproduced.

Article 7.

Within ninety days after the ratification of the present Protocol by the legislative bodies of the two contracting States, the two Governments shall begin work on the construction of the international road. The estimates and specifications for construction and maintenance shall be examined, drawn up and signed by the technical members of the Delimitation Commission and shall be incorporated in the present Protocol.

The road, including the bridges over the Libón and Artibonite, shall be completed within two years from the date on which the construction work was begun, and each of the two contracting States shall include one quarter of the total cost of such work in its yearly budget.

Article 8.

The Dominican Republic agrees to the revision of paragraph 3 of Article 1 of the Treaty of January 21st, 1929, in regard to the following part of the text : " passes through the centre of this fort (Fort Cachimán) and bears to the south-east in a straight line until it reaches the river Carrizal ", and agrees that in this sector the frontier line shall be fixed as follows : " passes through the centre of Fort Cachimán, bears to the south-east, and then follows, parallel to its axis, the main road to Commandador at a distance of 15 metres until it meets the river Carrizal, leaving the said road in Haitian territory ".

Article 9.

The present Agreement, signed at Port au Prince, capital of the Republic of Haiti, shall be submitted for ratification by the legislative bodies of the two countries, and the ratifications shall be exchanged in Ciudad Trujillo, capital of the Dominican Republic.

In faith whereof we have signed and sealed the present Protocol in two copies, one in Spanish and the other in French, both having the same legal force.

Port au Prince, capital of the Republic of Haiti, the ninth day of the month of March of the year one thousand nine hundred and thirty-six.

(Signed) Stenio VINCENT.

(Signed) Rafael L. TRUJILLO M.

MEMORANDUM

ANNEXED TO THE PROTOCOL OF MARCH 9TH, 1936.

The undersigned, Technical Commissioners of the Dominican-Haitian Frontier Delimitation Commission, after having drawn up, studied and examined the plans, transversal sections, profiles and all other details connected with the construction of the international road between Bánica (Cacaos) ford and Restauración (Tilori ford), have agreed unanimously on the following Memorandum :

- (1) The road shall have a length of approximately forty-seven (47) kilometres.
- (2) The road shall have a width between ditches of seven (7) metres.
- (3) The width of the track or right of way of the road shall be sixty (60) metres.
- (4) The axis of the road shall always be fixed in such a way that thirty (30) metres of the track shall be in Haitian territory and thirty (30) metres in Dominican territory.
- (5) The road shall be macadamized over a width of five (5) metres, crushed stone or gravel being used.

Nevertheless, the nature of the soil may, in the course of construction, cause the engineers responsible for building the road to adopt any other practical process as effective as surface-laying with macadam.

(6) Should a change in the general line provided for and authorized by the Protocol of March 9th, 1936, occur, the radius of the curves and the grades necessary shall be left to the judgment of the engineers responsible for building the road, who may examine and authorise modifications in the figures mentioned in the present Protocol signed on March 9th, 1936.

(7) The bridges shall be provisional and of wood : they shall be of single track. They shall later be replaced by permanent bridges the types of which shall be studied and proposed by the road engineers of the two contracting Governments.

(8) The crossing of the smaller watercourses shall be facilitated by the use of pipes of galvanised iron, cast iron, or reinforced concrete, or of culverts of ordinary masonry.

(9) During the construction work on the international road the engineers shall submit for approval by the two Governments the preliminary plans and the plans for the permanent bridges to be built at the Cacaos ford over the river Artibonite and at the Tilori ford over the river Libón.

(10) The duration of the construction work on the international road, including the building of the two permanent bridges, must not exceed twenty-four (24) months.

(11) The cost of constructing the international road, including the permanent bridges, is estimated at four hundred and fifty thousand dollars (\$450,000).

(12) The Government of the Republic of Haiti agrees to contribute a sum of two hundred and twenty-five thousand dollars (\$225,000) towards the above-mentioned expenditure. The Government of the Dominican Republic agrees to contribute an equal sum towards the same expenditure.

(13) The construction work on the international road, and the accessory works involved, shall be begun within ninety (90) days of the date of ratification of the Protocol signed on March 9th, 1936.

(14) The technical members of the two sections of the Commission shall request beforehand from both Governments the monthly or quarterly advances necessary for the construction work to continue without interruption until the work is completely finished.

(15) The expenditure necessary for the conservancy and maintenance of the road and engineering works connected therewith shall be estimated by the engineers six months before the said construction work is finished. The amount of the said expenditure shall be notified to both contracting Governments for approval, so that they may make provision therefor in their respective yearly budgets.

(16) The axis of the international road shall be regarded as the frontier line in this sector and the necessary frontier pillars, mentioned in the Protocol dated March 9th, 1936, shall be set up alternately at each kilometre at a distance of four (4) metres from the axis of the road.

Done at Port au Prince in duplicate French and Spanish texts, this 15th day of February, 1936.

(Signed) M. S. GAUTHIER.

(Signed) Louis ROY.

(Signed) C. GOMEZ.

(Signed) L. G. TIPPENHAUER.