

International boundary agreement between the Sultanate of Oman and the Republic of Yemen, 1 October 1992.

The Sultanate of Oman and the Republic of Yemen,
Proceeding from the fraternal links and the common interest that unite their two countries and peoples,
In pursuance of the noble Islamic Shariah,
Prompted by the desire to strengthen the existing bonds of brotherhood and the relationship of neighbourliness between the two fraternal countries,
And in view of the desire of each of the two countries to establish the boundaries between them in a definitive manner,
have agreed as follows:

Article 1

The boundary line separating the territory of the Sultanate of Oman and the territory of the Republic of Yemen shall be that described in article 2 of this Agreement and based on geodesic system 84.

Article 2

The boundary line between the Sultanate of Oman and the Republic of Yemen begins from the principal point at Ra's Darbat Ali (the Rock), numbered as point No. 1, at the intersection of the geographical coordinates of parallel 16 degrees 39 minutes 3.83 seconds North and meridian 53 degrees 6 minutes 30.88 seconds East, and ends at the principal point numbered as point 8 at the geographical alignment of the intersection of parallel 19 degrees north with meridian 52 degrees East, and the boundary line extends between the two principal points whose coordinates are set forth above passing through points 2, 3, 4, 4a, 4b, 5, 6 and 7, in accordance with the following coordinates:

Point No. 2 is at the intersection of parallel 17 degrees 17 minutes 7.91 seconds North with meridian 52 degrees 48 minutes 44.22 seconds East.

Point No. 3 is at the intersection of parallel 17 degrees 17 minutes 40 seconds North with meridian 52 degrees 44 minutes 45 seconds East.

Point No. 4 is at the intersection of parallel 17 degrees 18 minutes 6.93 seconds North with meridian 52 degrees 44 minutes 33.50 seconds East.

Point No. 4a, ancillary to point number 4, is at the intersection of parallel 17 degrees 18 minutes 8.87 seconds North with meridian 52 degrees 44 minutes 34.24 seconds East.

Point No. 4b, ancillary to point number 4, is at the intersection of parallel 17 degrees 18 minutes 8.42 seconds North with meridian 52 degrees 44 minutes 35.57 seconds East.

Point No. 5 is at the intersection of parallel 17 degrees 18 minutes 15 seconds North with meridian 52 degrees 45 minutes 5 seconds East.

Point No. 6 is at the intersection of parallel 17 degrees 18 minutes 21 seconds North with meridian 52 degrees 45 minutes 2 seconds East.

Point No. 7 is at the intersection of parallel 17 degrees 20 minutes 59.04 seconds North with meridian 52 degrees 46 minutes 55.83 seconds East.

Article 3

The extension of the separating boundary line continues from the extremity of the principal point on the shore (Ra's Darbat Ali) in the direction of the territorial waters until the limit of the economic zone. This extension shall be demarcated in

accordance with the rules of international law and the United Nations Convention on the Law of the Sea.

This demarcation of the land and maritime boundary line separating the two countries shall be considered final and definitive.

Article 4

A Joint Technical Commission shall be formed of the survey authorities of the two countries and its task shall be:

(a) To survey and establish on the ground the boundary points and the boundary line set forth in article 2 and to prepare in a definitive manner the detailed maps and related data necessary for that purpose so that those maps - after signature by representatives of the two parties - shall be the official maps showing the boundaries between the two countries and shall be annexed to this Agreement as an integral part hereof.

(b) To supervise the emplacement of markers (pillars) along the agreed boundary line separating the territories of the two countries, and to reach agreement on what distance shall separate one marker (pillar) from another.

Article 5

All issues arising out of the demarcation of the boundary line and any issues emerging thereafter shall be settled by amicable means through direct contact between the two Parties on the basis of the principles of equality, mutual advantage and the absence of prejudice to the interests of either Party.

Article 6

In the event of the discovery of common natural resources, agreement shall be reached on the manner of their exploitation and division in accordance with the established international norms and customs and the principles of justice and fairness.

Article 7

The border authorities and rights to grazing, movement and the use of water resources in the boundary zone shall be regulated in accordance with the two Annexes appended to this Agreement. Use of the property of residents in the border zone shall also be regulated in accordance with a special annex to be agreed upon by the two Parties. All of the annexes mentioned in this article shall be considered an integral part of this Agreement.

Article 8

This Agreement and its Annexes were drawn up in two original copies in the Arabic language, each State retaining one copy.

Article 9

This Agreement shall enter into force after ratification in accordance with the procedures followed in each of the contracting countries and the exchange of instruments of ratification by the two States.

Article 10

This Agreement was done at Sana'a on 3 Rabi' II A.H. 1413, corresponding to 1 October A.D. 1992.

For the Government of the
Republic of Yemen

For the Government of the
Sultanate of Oman:

ANNEX I TO THE INTERNATIONAL BOUNDARY AGREEMENT BETWEEN THE SULTANATE OF OMAN AND THE REPUBLIC OF YEMEN, CONCERNING THE ORGANIZATION OF BORDER AUTHORITIES

The Government of the Sultanate of Oman and the Government of the Republic of Yemen, in implementation of article 7 of the International Boundary Agreement between the Sultanate of Oman and the Republic of Yemen signed on 3 Rabi' II A.H. 1413, corresponding to 1 October A.D. 1992, and in their desire to arrange the terms of reference of the border authorities, have agreed as follows:

Article 1

The two Parties have agreed that disputes, violations and incidents occurring in the border zone covered by this Annex shall be resolved in accordance with the provisions contained herein.

Article 2

1. The border zone shall be regarded as the area extending from the common boundary line between the two countries to a depth of 5 kilometres inside the territory of each of the two Parties.

2. With the exception of installations of official crossing points and border force installations, neither Party may erect or maintain any fortifications, installations, military camps or the like within the limits of the zone indicated in paragraph 1 of this article. Immediately upon entry into force of the International Boundary Agreement between them, the two Parties shall take the necessary measures for the implementation of the provisions of this paragraph, within a period of time to be agreed upon, with regard to existing fortifications, installations and military camps.

Article 3

1. Each of the Contracting Parties shall appoint the border authorities set forth hereunder in order to effect the implementation of the provisions of this Annex.

(a) First-level border authorities:

For the Sultanate of Oman:

Inspector-General of Police and Customs

For the Republic of Yemen:

Governor of the relevant governorate

(b) Second-level border authorities:

For the Sultanate of Oman:

Minister of the Interior

For the Republic of Yemen:

Minister of the Interior and Security

2. The border authorities mentioned in paragraph 1 of this article may be changed or other authorities introduced by agreement of the Contracting Parties through the diplomatic channel.

Article 4

The Parties shall, within one month of the entry into force of this Annex, communicate to each other through the diplomatic channel the full names of the members of the border authorities, their functional titles and copies of their letters of appointment. The letter of appointment shall contain a photograph of the bearer and his signature. Any changes subsequently made in this regard shall be communicated in the same manner.

Article 5

Each authorized member of the border authorities shall be entitled to appoint assistants, and he shall provide their names, functional titles and letters of appointment to the border authorities of the other Party.

Article 6

The violations and incidents relating to the boundaries that are included within the scope of the provisions of this Annex are:

- (a) Interference with or destruction of boundary pillars or destruction of buildings or other installations directly relating to the boundaries;
- (b) Shooting at border posts and border guards, or at persons, or at boundary pillars or boundary installations located in the territory of the other Party;
- (c) Flight by those charged with committing a crime under the law of the Contracting Party to which they belong into the border zone in order to take refuge in the border zone of the other Contracting Party;
- (d) Incidents of robbery and theft involving nationals of one of the Contracting Parties in the border zone of the other Party;
- (e) Smuggling by a person or persons from the territory of one of the Contracting Parties to the territory of the other Party;
- (f) Hunting of wild animals within the border zones
- (g) Misuse or contamination of water resources and anything which may impair their use.

Article 7

The border authorities of each of the Contracting Parties shall, in the border zone, have the powers set forth hereunder:

- (a) To take the necessary measures to prevent the occurrence of incidents;
- (b) To take the necessary measures, and to notify the border authorities of the other Party accordingly, in order to preclude the commission of crimes, smuggling and infiltration by persons in the border zone of the other Party, to prevent such persons from crossing the boundaries and to intercept them as required or pursue them in order to arrest them. In the event that such persons should cross the boundary line from the border zone of one of the Contracting Parties into the border zone of the other Party, pursuit must halt and the border authority concerned shall notify the border authority of the other Party, which shall take the necessary measures to arrest them and hand them over to the border authorities of the former Party;
- (c) To take the necessary measures to combat smuggling and infiltration between the two countries, and to exchange information on such activities with the other border authorities with a view to their suppression;
- (d) To exchange information in the event of disasters in the border zone and to cooperate in containing them;
- (e) To take preventive measures against the spread of livestock diseases or epidemics or agricultural parasites into the territory of the other Party. For this purpose, the border authority of the Party in whose territory a livestock disease or epidemic has appeared shall notify the authority of the other Party. In the event that there is suspicion of disease in livestock that must cross the boundaries of the two Parties, the necessary measures shall be taken to prevent the spread of such disease in accordance with the hygiene and veterinary inspection regulations of each of the two Parties;

(f) To investigate all border incidents;

(g) To settle such disputes as may arise in connection with the violations and incidents mentioned in article 6 of this Annex and to consider, within the limits of their powers, applications for compensation submitted following a border incident by one of the Parties or by persons present in the border zone that comes under their jurisdiction.

Article 8

1. Should a national of one of the Parties take refuge in the border zone of the other Party after committing a Crime under the law of the Party to which he belongs in the border zone of that Party, the border authority of the Party in whose territory the crime was committed may request that the suspect be arrested. The border authority of the other Party shall do all in its power to apprehend the person being sought and, on apprehending him, shall notify the border authority of the Party making the request.

2. The border authority of a Party which is requested to arrest the suspect may return him within a period of not more than 10 days from the date of his arrest.

3. Should the border authority requested to arrest the suspect refrain for any reason from handing him over within a 10-day period, it shall keep him under arrest until such time as the documents relating to his return are delivered through diplomatic channels. The period for which the suspect is detained shall not, in any event, exceed 60 days.

Article 9

The border authorities may, by prior agreement, undertake the joint on-site investigation of a border incident with a view to establishing the facts. In such a case, and if required, they may bring with them experts and witnesses. The investigation shall be supervised by the Party in whose territory it takes place. A report of the investigation shall be drawn up and signed by the competent authorities in the two countries. It shall contain a summary of the facts and deliberations and of the conclusions reached by the investigation and shall be transmitted to the competent judicial authorities.

Article 10

The border authorities of the two Parties shall, by common accord, designate points for meetings and the exchange of correspondence and points for the hand-over of persons and property as well as official crossing points.

Article 11

The members of the border authorities, their assistants and experts may cross the boundaries in exercise of the functions arising out of the provisions of this Annex. Members of the border authorities and their assistants shall cross the boundaries on production of the letters of appointment mentioned in articles 4 and 5 of this Annex after notifying the competent authorities of the other Contracting Party and with their agreement.

Article 12

The closest border post of the other Contracting Party shall be notified of the day and time of crossing of those persons required to cross the boundaries in accordance with the provisions of this Annex at least 24 hours before the time requested. This period may be reduced in cases of extreme necessity by agreement between the Contracting Parties.

Article 13

The members of the border authorities shall, in the exercise of their functions, enjoy the necessary immunity for the performance of their duties, and the materials that they require for that purpose shall not be subject to taxes or customs duties.

Article 14

While present in the border zone of one of the two Parties, the persons mentioned in article 9 of this Annex shall be provided with the necessary assistance.

Article 15

1. The border authorities mentioned in paragraph 1 (a) of article 3 of this Annex shall meet alternately in the territory of each of the Contracting Parties once every six months or whenever there is need for a meeting, by agreement of the two Parties, in order to settle outstanding issues within their competence. Should the aforesaid authorities fail to reach agreement on the settlement of such issues, they shall be submitted to the border authorities mentioned in paragraph 1 (b) of article 3 of this Annex to decide upon them as they deem appropriate.

2. The border authorities for which provision is made in paragraph 1 (b) of article 3 of this Annex shall meet alternately in the territory of each of the Contracting Parties once a year or if the border authorities for which provision is made in paragraph 1 (a) of article 3 of this Annex should otherwise propose that a special meeting be held for consultation and the resolution of outstanding issues.

Article 16

1. For the purposes of keeping the boundary markers (pillars) in position and of their maintenance, the border authorities of the two countries mentioned in paragraph 1 (a) of article 3 of this Annex shall exchange information relating thereto and shall undertake an on-site inspection thereof prior to the convening of the semi-annual meeting, referred to in paragraph 1 of article 15 of this Annex, so that they may discuss the matter and submit the necessary report on the markers (pillars) to the border authorities mentioned in paragraph 1 (b) of article 3 of this Annex.

2. Should it appear to the border authorities mentioned in paragraph 1 (b) of article 3 of this Annex that the locations of the markers (pillars) have been changed or that their condition requires maintenance or repair as a result of damage, those authorities shall notify the competent agencies of the two Parties so that the necessary technical arrangements may be made to restore the markers (pillars) to their positions or maintain or repair them in accordance with the technical specifications agreed upon by the two Parties in the reports of the Technical Commission referred to in article 4 of the International Boundary Agreement between the two countries and endorsed thereby.

Article 17

This Annex shall remain in force for a five-year period from the date of the entry into force of the Agreement. This Annex shall be renewed automatically for the same term unless one of the Parties notifies the other through the diplomatic channel of its desire to amend it within six months of the date of expiry of the appointed term.

Article 18

This Annex shall enter into force after ratification in accordance with the procedures followed in each of the two countries and the exchange of instruments of ratification hereof by the two Governments.

DONE at Sana'a this third day of Rabi' II A.H. 1413, corresponding to the first day of October A.D. 1992.

For the Government of the
Republic of Yemen

For the Government of the
Sultanate of Oman

ANNEX II TO THE INTERNATIONAL BOUNDARY AGREEMENT BETWEEN

**THE SULTANAT E OF OMAN AND THE REPUBLIC
OF YEMEN, CONCERNING THE REGULATION OF RIGHTS
TO GRAZING, MOVEMENT AND THE USE OF WATER
RESOURCES IN THE BORDER ZONE**

The Government of the Sultanate of Oman and the Government of the Republic of Yemen, in implementation of article 7 of the International Boundary Agreement between the Sultanate of Oman and the Republic of Yemen signed on 3 Rabi' II A.H. 1413, corresponding to 1 October A.D. 1992,

And desiring to regulate rights to grazing, movement and the use of water resources in the border zone, have agreed as follows:

Article 1

For the purposes of this Annex, the grazing zone shall be defined as extending to a maximum depth of 25 kilometres from the common boundary line in the territory of each of the two countries.

Article 2

Herdsmen who are nationals of the two Parties and who are in the border zones and their vicinity may make use of the rangelands and the water resources in the grazing zone defined in article 1 of this Annex in accordance with the tribal customs prevailing in the area.

Article 3

The border authorities of the two Parties shall establish the range of grazing and the crossing-points that may be used for the purposes of this Annex through annual consultation and in the light of grazing requirements.

Article 4

Without prejudice to the provisions contained in article 2 of this Annex, when permitted by the border authorities concerned to pasture and to make use of the water resources in the grazing zones, nationals of the two Parties shall be exempt from:

(a) The laws and regulations in force relating to residence and passports. They shall be issued with a transit document by the border authorities of the Party of which they are nationals permitting them to cross the boundary;

(b) Taxes and duties on their livestock, tents and related equipment, customarily necessary household articles and the foodstuffs and consumption goods that they carry with them, without prejudice to the rights of the Parties to levy customs duties on livestock or goods destined for trade in the territory of the other Party.

Article 5

Each Party reserves the right to limit the number of such vehicles as herdsmen may wish to bring into its territory and the number and types of firearms that they are permitted to carry. Such weapons as may be brought in must be officially licensed by the relevant authorities in the two countries by virtue of official documents establishing the identity of the owner, and the border authorities shall issue to owners documents permitting them to carry their weapons. Should the number of firearms exceed that permitted, they shall be handed over against receipt to the responsible agency at the crossing-point and shall be returned to their owners on their return.

Article 6

Should a contagious livestock disease, epidemic or the like break out, each Party may impose the necessary veterinary or sanitary measures and invoke the orders in force prohibiting importation and exportation. The competent authorities in both countries shall cooperate in this regard.

Article 7

The persons indicated in this Annex shall, in the territory of the receiving country, be entitled to benefit from the health services. They shall be permitted to provide themselves with the necessary foodstuffs and consumption goods within the boundaries of the zone in which they are permitted to pasture. Should there be no health centre in the grazing zone, however, emergency cases shall be referred to the nearest health centre through the crossing-point authorities.

Article 8

This Annex shall remain in force for a term of five years from the date of entry into force of the Agreement. This Annex shall be renewed automatically for the same term unless one of the Parties informs the other through the diplomatic channel of its desire to amend it six months before the date of expiry of the appointed term.

Article 9

This Annex shall enter into force after ratification in accordance with the procedures followed in each of the two countries and the exchange of instruments of ratification by the two Governments.

DONE at Sana'a this third day of Rabi' II A.H. 1413, corresponding to the first day of October A.D. 1992.

Republic of Yemen
Ministry of Legal Affairs
Instrument of ratification

The Chairman of the Presidential Council:

Having examined the International Boundary Agreement between the Republic of Yemen and the Sultanate of Oman attached to this Law - signed at Sana'a on 3 Rabi' II A.H. 1413, corresponding to 1 October A.D. 1992, and comprising 10 articles and two annexes, concerning the organization of border authorities and concerning the regulation of rights to grazing, movement and the use of water resources in the border zone,

And the documents and instruments relating to all the constitutional measures necessary for the ratification of this Agreement by the executive and legislative authorities in accordance with the Constitution of the Republic of Yemen,

We have promulgated law No. 44 of 1992 concerning the ratification of the said Agreement and its two Annexes.

On the basis of the mutual confidence between the Parties to this Agreement, and being fully convinced of the beneficial consequences and the close cooperation that will arise out of the entry into force of this Agreement,

We hereby declare our definitive approval and our ratification of the Agreement and its Annexes heretofore referred to and our Commitment to all of its provisions.

Accordingly, and in witness to the foregoing, we affix to this instrument our signature and the official seal of State.

Recorded at the Presidency of the Republic, Sana'a

Date: 6 Jamada I A.H. 1413

corresponding to 31 October A.D. 1992

Signed: Chairman of the Presidential Council

Sultanate of Oman
Ministry of Foreign Affairs
Muscat
Instrument of ratification

25 Jumada II A.H. 1413

20 December A.D. 1992

I, Yusef Bin Alawi Bin Abdulla, Minister of State for Foreign Affairs of the Sultanate of Oman,

By virtue of the powers vested in me and on the basis of the Sultan's Decree No. 75/92 promulgated on 5 Jumada I A.H. 1413, corresponding to 31 October A.D. 1992,

Do declare by virtue of this instrument the ratification by the Government of the Sultanate of Oman of the International Boundary Agreement between the Government of the Sultanate of Oman and the Government of the Republic of Yemen and the two Annexes thereto signed at Sana'a on 1 October A.D. 1992.

In witness whereof, I have signed this instrument today, Sunday, 25 Jumada II A.H. 1413, corresponding to 20 December A.D. 1992.

Signed: Minister of State for Foreign Affairs