

CHAPTER VII – THE BOUNDARY LINE WITHIN RIVERS

- 7.1 The 1900 and 1902 Treaties designated rivers as key components of the boundaries they established: from west to east, as named in the Treaties, the Setit, the Mareb, the Belesa and the Muna. The Treaties do not, however, specify where in each river the boundary should be placed.
- 7.2 The question is one which, during the hearings, the Commission specifically asked the Parties to address. The views expressed by both Parties were similar. Both favoured the adoption in principle of the main channel as the line of division. Neither referred to the line of the deepest channel. Neither favoured the fixing of a permanent line in rivers determined by reference to coordinates. Both favoured the deferment to the demarcation stage of the decision regarding the line within rivers and considered that the Parties should be consulted further on the matter at that stage, bearing in mind, amongst other factors, that different considerations might apply to different parts of the rivers.
- 7.3 In these circumstances, the Commission holds that the determination of the boundary within rivers must be deferred until the demarcation stage. In the meantime, there will be no change in the *status quo*. The boundary in rivers should be determined by reference to the location of the main channel; and this should be identified during the dry season. Regard should be paid to the customary rights of the local people to have access to the river.

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